The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. YARMUTH).

DESIGNATION OF SPEAKER PRO TEMPORE
The SPEAKER pro tempore laid before the House the following communication from the Speaker:
WASHINGTON, DC, September 28, 2010.
I hereby appoint the Honorable John A. YARMUTH to act as Speaker pro tempore on this day.

NANCY PELOSI, Speaker of the House of Representatives.

MORNING-HOUR DEBATE
The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

MANY CHALLENGES FACING EL SALVADOR: PRESIDENT FUNES DESERVES U.S. SUPPORT
The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. MCGOVERN) for 5 minutes.
Mr. MCGOVERN. Mr. Speaker, in 1992, when the historic Peace Accords were signed ending El Salvador’s 12 years of civil war, many of us anticipated a new and prosperous era for that country. In the following years, political competition flourished and electoral processes matured. The ruling ARENA party maintained its power, base, and organization, winning consecutive elections for the next 17 years. But in 2009, the FMLN opposition party won the presidency. It was a watershed moment for El Salvador.

Sadly, many things did not change over these years. The ability of the courts and justice system to hold elites, government officials, and members of the security forces accountable for crimes, including human rights crimes, continued to fail, reinforcing a culture of impunity. The newly created police, although light years ahead of the old security forces, was infiltrated by criminal elements and human rights abusers who blocked investigations and collaborated with criminal groups. The poor did not benefit from trade and investment, and international aid diminished, including U.S. aid. And the migration of Salvadorans to the U.S. is as great or greater as it was during the civil war. And some things got worse. Little could I have imagined the violence in El Salvador becoming worse after the war, but it has. Criminal networks invaded the country and use it to traffic drugs, guns, human beings, and other contraband throughout the hemisphere. Youth gangs are exploited; poor neighborhoods are terrorized; security and judicial authorities are corrupted; and crime, violence, and murder have exploded.

This is the reality inherited by Mauricio Funes when he became president 18 months ago. I have had the privilege of meeting President Funes. I find his administration to be pragmatic, committed to improving the lives of the majority poor, and addressing the crime and corruption that are robbing the country of its much-longed-for peace. However, there are longstanding institutional problems that remain obstacles to reform, the pursuit of justice, and even the consolidation of democracy. Among them, in my opinion, is the Attorney General’s Office—the Fiscalía—where countless cases of murder, corruption, drug trafficking, money laundering, and other crimes are stymied. But the Funes administration is taking courageous and positive steps to confront these challenges. These include naming an Inspector General for the National Civilian Police, Zaira Navas, who is serious about ensuring that an honest, hard-working police force is not sullied by corrupt cops.

This month, Inspector General Navas suspended from duty over 150 police officers. These “bad apples” are under investigation for corruption and links to criminal and drug organizations. Rather than embracing this effort to clean up the police, intransigent forces chose instead to create a new commission inside the National Assembly to investigate the Inspector General. This action has been accompanied by renewed death threats against her life.

Last December, Senator LEAHY praised the hard work of PCN Inspector General Navas and the importance of strengthening the rule of law in El Salvador. I agree. I believe Inspector General Navas is taking courageous action, and I encourage the State Department and the U.S. Embassy to support her in these efforts. President Funes is exploring the possibility of establishing an independent commission, similar to the one created in Guatemala, under the auspices of the United Nations, to investigate drug and criminal networks and key human rights crimes. This would ensure an independent investigation into many of the criminal cases and charges of official corruption that have languished in the Fiscalía for years. It could open new paths to ending impunity.

President Funes is also working with Mexican President Calderon, the Obama administration, and his Central American neighbors to confront the escalating penetration of the region by...
major drug cartels and criminal networks. He is seeking coordinated strategies and action, increased aid and assistance, stronger laws and policies, and more effective social investment.

El Salvador has experienced several tragic episodes of violence carried out by drug traffickers and public revolution at gang crimes is at an all-time high. President Funes is seeking to respond decisively to this terrible situation, while not repeating the mistaken policies that sounded tough but failed to reduce crime or keep young people out of gangs. He has also established an advisory commission on gangs and gang-related violence. One program that might be a model is the Center for Formation and Orientation at St. Francis of Assisi Parish in Mejicanos. It has had success working with young people on rejecting gang life and providing those who want to leave the gangs with advice, education, and training. Its pastor, Father Antonio Rodriguez, has made substantial contributions to the discussions about how to address the youth violence.

Mr. Speaker, it is in the best interest of the U.S. to support the Funes administration as it seeks to strengthen the rule of law, clean up institutional corruption and crime, and help lead the region in breaking impunity and confronting criminal threats.

Salvadoran Leader Speaks of Criminal Gangs’ Links to Drug Cartels

El Salvador’s president, Mauricio Funes, the country’s leftist leader since the end of its civil war in 1992, finds himself preoccupied with a deepening struggle against criminal gangs and international drug cartels.

Since winning office in 2009, Funes has deployed the army to back up police, who are trying to curb a drug-fueled homicide rate that claims about 12 victims a day. On Thursday, he signed a controversial law responding by shutting down nationwide public transportation with the threat of violence.

During a visit to Los Angeles this week to meet with community leaders on immigration and drug traffic, the best solution is a strategic alliance that together will bring development and job opportunities and social benefits to El Salvador.

AFGHANISTAN-PAKISTAN STUDY GROUP

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. Wolf) for 5 minutes.

Mr. WOLF. Mr. Speaker, I rise today to share with my colleagues the text of a letter I sent today to President Obama, Secretary Gates, Admiral Mullen, and all other parties in the administration charged with executing the war effort. I will enclose in my correspondence a copy of a letter from a constituent who is a mother of six children, all of whom are currently serving or have served in the U.S. military.

I submit for the RECORD a copy of my original letter to the President, as well as a copy of the letter from my constituent.

My letter today to the administration will read, in part, “I implore you to consider my constituent’s views—the views of an American mother with children living in another country,” and to move swiftly to establish an Afghanistan-Pakistan Study Group modeled after the Iraq Study Group, to bring ‘fresh eyes’ to the war effort in Afghanistan.

“The group would be comprised of nationally known and respected individuals who love their country more than their political party and would serve to provide much-needed clarity to a policy that increasingly appears adrift.

“Candidly, after reading yesterday’s Washington Post piece adapted from Bob Woodward’s Obama’s Wars, I have serious concerns that the needed clarity to our alliance in Afghanistan ever existed within the administration. Woodward writes, ‘Even at the end of the process, the President’s team wrestled with the most basic questions about the war, then entering its ninth year: What is the mission? What are we trying to do? What will work?’

“These are sobering questions—but they are questions that must be answered, and the Afghanistan-Pakistan Study Group is just the means to arrive at these answers in a way that has not been undertaken before or in any uniform.

“In the halls of Congress or the White House, at Foggy Bottom or the Pentagon, public discussions can at times be detached from the actual lives that are most directly impacted by the decisions being made. This couldn’t be further from the case for this mother. She doesn’t have that luxury when it comes to the war in Afghanistan. And we mustn’t either.

“This is not a matter of politics—or at least it ought not be—for it is always in our national interest to openly assess the challenges before us and to chart a clear course to victory. Frankly, I’ve been deeply troubled by Woodward’s reporting which indicates that discussions of the war strategy were infused with political calculations. An Afghanistan-Pakistan Study Group could help redeem what was clearly a deeply flawed process.”

I close with a line from my constituent. She said, “The casualties suffered aren’t just numbers to me. Each name, each face, represents a family who is paying the ultimate price—the loss of a son or a daughter, brother or sister, father or mother; a family that will never be the same. Therefore, I wholeheartedly support the formation of an Afghanistan-Pakistan Study Group in the hope that it will help to turn the tide of this war and lessen the number of casualties as well.”

I hope the President and his advisers will heed the eloquent words of this military mother who has six children serving and another child is married to a marine. And many have served in both Afghanistan and Iraq.


Hon. BARACK H. OBAMA, The President, Washington, DC.

DEAR MR. PRESIDENT: On September 14, 2001, following the catastrophic and deliberate terrorist attack on our country, I voted to go to war in Afghanistan. I stand by
September 28, 2010

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H6999

that decision and have the utmost confidence in General Petraeus’s proven leadership, I also remain unequivocally committed to the success of our mission there and to the security and prosperity of the American people. I will use an executive order and the power of the bully pulpit to convene this group in short order, and explain to the American people why it is in our national interest to openly assess our efforts in the region to achieve, why it is necessary and how far we have come, and what the rest of the world has come to see is the real price of the continued deployment of our troops. I have heard it said that Vietnam was not lost in Saigon; rather, it was lost in Wash-}

ington. While the Vietnam and Afghanistan parallels are imperfect at best, the shadow of history looms large. Eroding political will has consequences—and in the case of Afghan-}

istan, the stakes could not be higher. A year ago, speaking before the Veterans of Foreign War National Convention, you rightly said, “Those who attacked America on 9/11 are everywhere on the loose.” But if you choose not to take this path, respectfully, I intend to offer an amendment by whatever vehicle necessary to mandate the group’s creation at the earliest possible opportunity.

The ISG’s report opened with a letter from the co-chairs that read, “There is no magic formula to solve the problems of Iraq. How- }

ever, every day will be an opportunity to improve the situation and protect American interests.” The same can be said of Afghanistan.

I understand that you are a great admirer of Abraham Lincoln. He, too, governed during a time of war, albeit a war that pitted brother against brother, and father against son. In the midst of that epic struggle, he relied on a cabinet with strong, often times opposing viewpoints. Historians assert this successful administration was derived from complex matters. Similarly, while total agreement may not emerge from a study group for Af- }

ghanistan and Pakistan, I believe that vigilant and thoughtful debate and discussion among some of our nation’s greatest minds on these matters will only serve the national interest. The biblical admoni- }

tion that iron sharpens iron rings true.

Best wishes,

P.S. We as a nation must be successful in Af- }

ghanistan. We owe this to our men and women in the military, their families, and to the American people.

DEAR CONGRESSMAN WOLF: I have read your proposal for the formation of an Afghan- }

istan-Pakistan Study Group with deep personal interest and approbation. I applaud its respectful, well-reasoned, bipartisan approach to rethinking the war in Afghanistan. The following are my personal thoughts regarding this war. Please accept them as the insights of an average American mother.

It has been troubling to me how distant this war is for so many Americans. Many are only vaguely aware of the events taking place, at least to the degree that they care, and the decrease in the number of casualties. Even gathering information of what is daily happening in Af- }

ghanistan hasn’t been easy. I comb the internet, search the news and read online news sources in an attempt to be informed. Our country is at war and yet so often the top news items contain nothing regarding it. Often it is the local papers in towns with sold- }

iers, sailors and marines serving in Afghanistan that contain the most news. Other times it is the news stations with an embed-}

ded reporter who will publish a few articles while the reporter is there but then nothing once they return. I believe that new media is not just impartial news but it is a war that strikes very close to home. My father has a dear friend whose son-in-law died in the Twin Towers. I have a friend who lost a son in Iraq during the bat- }
tle for Fallujah. A student of mine lost her fiancee in the war. My children and son-in-

law have served in both Iraq and Afghanistan and have had injuries or killed in action. One of my daughters is currently serving in Afghanistan in a Combat Support Hospital. She arrived in time to experience first hand the peak number of casualties in June and July. In a recent news interview her Commanding Officer said they are seeing an almost constant stream of casualties; some are not injured but none of them were prepared for, but will remember the horrors of the rest of their lives.
It has sometimes appeared that the efforts in Afghanistan have, with success measured in part by the areas in which we have gained some measure of control versus the price paid in human lives both civilian and military. The casualties suffered aren’t just numbers to me; each name, each face, represents a family who is paying the ultimate price of a son or daughter, brother or sister, father or mother; a family that will never be the same. Therefore, I wholeheartedly support the formation of an Afghanistan-Pakistan Study Group in the hope that it will help to turn the tide of this war and lessen the number of casualties as well.

I, too, have a deep respect and confidence in Gen. Petraeus and would not want my comments to be construed as being critical of the leadership of our military. I have no formal training in political science or history so please accept these comments as simply the perspective of an American mother with children glad to serve our country.

God bless you and give you wisdom as you serve in the leadership of our country.

Sincerely,

P.S. It meant so much to see my sons receive a standing ovation when introduced during last week’s luncheon. It is these very Lance Corporals, Corporals and Sergeants who are almost daily listed among the casualties. My son, ——— remarked that listening to your speech “restored his faith in the republic.” Thank you again for recognizing their service.

1040

FISCAL SOLUTIONS AND ECONOMIC RECOVERY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, the political parties are missing an opportunity to deal with both the discontent and the fundamental causes we see in the political process today. You don’t have to identify with the tea party to be frustrated with the tax system. It is incomprehensible, expensive, unfair, and unsustainable. People of all parties and philosophies understand that the long-term debt of the United States and the fiscal practices that drive it are heading for a train wreck.

The answer is not to ignore real problems, change the subject, or make it worse. A tax discussion should, frankly, address why the system is incomprehensible, the lack of certainty, how it doesn’t pay for what America needs, and how we spend through tax breaks about what we collect overall.

There are real problems that we should be zeroing in on, like the alternative minimum tax. It was a millionaires’ over-vote 30 years ago that now threatens 30 million American families, not the billionaires. They won’t pay it at all. It will be the near rich and the middle class. It was a system that was actually made worse the way the Bush tax cuts were structured.

We should deal with the corporate tax. Yes, it is the second highest stated rate in the world, but few companies pay the full amount because of a Swiss cheese of exemptions and special provisions. It actually penalizes people who manufacture here in the United States.

I would suggest that, if we can borrow trillions of dollars for tax changes, shouldn’t the trillions be used to fix the broken system and not to push problems ahead a couple of years?

Instead, the debate is largely about extending $2.5 trillion in expiring Bush tax cuts or maybe about only extending $2.8 trillion, not to mention the cost of borrowing that money from the Chinese, the Europeans, or the Japanese. Missing in the debate is how much of that we can afford at all, not just the borrowed money and the deficit, but the lost opportunity to get the tax system right.

Yet it is not just about taxation. We must also look at the expenditure side of the equation, which is widely acknowledged. Our defense budget can be reduced, and there are hints of this in the Obama administration, but we can do far more. We cannot continue to spend above the rate of inflation, not counting the wars in Afghanistan and Iraq, while we spend billions of dollars to protect West Germany from the Soviet Union, neither of which exists anymore.

We lavish agricultural subsidies on the richest agribusiness, but it doesn’t help most farmers or ranchers. We can help far more for far less.

There is the bottomless pit in the name of homeland security. Dana Priest’s brilliant writing in The Washington Post pointed out: It is out-of-control spending, layer upon layer of activities, that doesn’t make us any safer. Perhaps we may be less safe with all the expenditure.

There are some on the other side of the aisle who talk about eliminating health care reform. No. We should actually accelerate the reforms that are in the health care bill so that they won’t just save money but will actually improve health care. We can invest in value over volume. We must not ignore why the long-term picture is such a problem and certainly we don’t want to make it worse.

Many tea party sympathizers and Jon Stewart fans could agree on this path forward. It would be nice, instead of campaign documents that get people mad and red-tap, that don’t solve a problem, to work on areas of agreement with the public which start us on a path to fiscal solutions and economic recovery.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o’clock and 45 minutes a.m.), the House stood in recess until noon.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CUÉLLAR) at noon.

PRAYER

Reverend Roy Bennett, Calvary Assembly of God Church, Jefferson City, Missouri, offered the following prayer:

Our Heavenly Father, we come to You today, asking Your divine blessing upon this House of Representatives. As they are called upon to make many decisions, we ask for Your divine direction for not only this House, but for our President and all others that are called upon to lead this great Nation.

Lord, help them to remember we are not great because of our vast resources or our manufacturing abilities, but because our forefathers believed when Your word said, “Blessed is the Nation whose God is the Lord.” And as they looked to You, Lord, You led them, and Your blessing was upon this great land.

But today, Lord, we need Your divine direction and blessing to be upon this Nation more than ever. And now, Lord, let Your blessings be upon each one of these men and women that are leaders today. This we pray in Jesus’ name. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day’s proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Missouri (Mr. SKELTON) come forward and lead the House in the Pledge of Allegiance.

Mr. SKELTON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate had passed a bill of the following title in which the concurrence of the House is requested:

S. 3867. An act to implement certain defense trade cooperation treaties, and for other purposes.

WELCOMING REVEREND ROY BENNETT

The SPEAKER pro tempore. Without objection, the gentleman from Missouri (Mr. SKELTON) is recognized for 1 minute.

There was no objection.
Mr. SKELTON. Mr. Speaker, I rise today to personally welcome to the House our guest chaplain, Pastor Roy Bennett of Missouri. His son David is accompanying him in the gallery. A native of the Show-Me State, Pastor Bennett was raised on a farm in southeast Missouri, and attended high school in Zalma. Moving with his family to St. Louis following high school, he attended Brooks Bible Institute, and was ordained in the Assemblies of God. Excelling in his ministry, Pastor Bennett would go on to serve congregations in the communities of Marble Hill, Potosi, Salem, and Versailles.

For the past 7 years, Pastor Bennett has grown a vibrant congregation at the First Assembly of God Church in Jefferson City, Missouri, where he currently serves as senior pastor. As his 50 years of service throughout rural Missouri demonstrate, Pastor Bennett has been an invaluable leader for several communities throughout our State.

I join my colleagues in welcoming Pastor Bennett to the U.S. House of Representatives, and we thank his son, David, who is with him today—one of his two sons. David is a former member of the Armed Services.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 24, 2010 at 12:45 p.m.:

That the Senate passed S. 1674, to provide for an exclusion under the Supplemental Security Income program and the Medicaid program for compensation provided to individuals who participate in clinical trials for rare diseases or conditions;

S. 3717, to amend the Securities Exchange Act of 1934, the Investment Company Act of 1940, and the Investment Advisers Act of 1940 to provide for certain disclosures under section 552 of title 5, United States Code, (commonly referred to as the Freedom of Information Act), and for other purposes; S. 3814, to extend the National Flood Insurance Program until September 30, 2011.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore, Pursuant to the provisions of rule I, the following enrolled bills were signed by the Speaker on Friday, September 24, 2010: S. 1674, to provide for an exclusion under the Supplemental Security Income program and the Medicaid program for compensation provided to individuals who participate in clinical trials for rare diseases or conditions; S. 3717, to amend the Securities Exchange Act of 1934, the Investment Company Act of 1940, and the Investment Advisers Act of 1940 to provide for certain disclosures under section 552 of title 5, United States Code, (commonly referred to as the Freedom of Information Act), and for other purposes; S. 3814, to extend the National Flood Insurance Program until September 30, 2011.

SENATOR PAUL SIMON WATER FOR THE WORLD ACT KEY FACTS
(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, almost 1 billion people lack access to safe drinking water and basic sanitation. Sick children miss 300 million school days a year from waterborne illness. And it kills 5,000 children every day. Our Water for the World Act emphasizes building sustainable expertise in these troubled countries. Their version of the Water for the World bill passed out of the Senate Foreign Relations Committee unanimously, and it passed the full Senate unanimously. Our House version has over 80 bipartisan cosponsors. This legislation does not provide new money, but helps us focus existing resources much more effectively to save lives.

I hope that our leadership on both sides of the aisle will schedule and support this important legislation, a symbolic that we can work together while we help poor people around the globe.

WHERE IS THE TAX POLICY?
(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, as you know, we’re back in town for a 1- or 2-day workweek. But where is the tax policy that this country so desperately needs to know? People are waiting. We heard it all the month of August while we were home in our districts. End-of-the-year tax planning; businesses making hiring decisions; employee pay raises; and yes, people doing estate planning—no one can move because this Congress has yet to act on extension of tax policy. We’re all on hold until next year. Now the Internal Revenue Service cannot even begin to print the forms that it will send out for people who want to be in compliance with our tax laws. Americans will need to be and be expected to fill out in January are not yet being printed.

Now, Mr. Speaker, Madam Speaker, we worked late when it suited your purpose. Cap-and-trade, may I remind you, was passed in this House late on a Friday night. The first version of health care passed this House in November, late on a Saturday night. And the second version of health care, the Senate version, when it passed late on a Sunday night. This House is capable of working late, but it seems only when it suits the purpose of the Speaker of the House.

Madam Speaker, I urge us to complete this important task before we go home. The House should not adjourn until our work is done.

A COMPREHENSIVE PEACE AGREEMENT
(Mr. POLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POLIS. One of the most troubled areas of the world is at the threshold of a great breakthrough for peace and for humanity. I call upon the Israeli and Palestinian leadership to remain committed to peace talks. I applaud the courageous decision of both Prime Minister Netanyahu and President Abbas to work together to achieve peace.

A majority of Israelis and Palestinians supports an agreement of creating a Palestinian state. The majorities in both populations support a negotiated two-state solution, and there is not a lot left to negotiate.

Our people have known the basic parameters of such an agreement for many years. It is critical that, as new developments threaten to derail the process, President Abbas must put his people and
their hopes for independence and statehood above preconditions, and Israel should avoid providing excuses for the Palestinians to exit their talks or actions to alienate Palestinian support for the talks.

I call upon both parties, in the interests of their people and the people of the United States and the world, to continue to engage in a good-faith negotiation to create a Comprehensive Peace Agreement to end the cycle of violence and to replace it with a cycle of peace and prosperity for both peoples.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

RECOGNIZING MILITARY MEDICAL AND AIR CREWS

Mr. CRITZ. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1605) recognizing the service of the medical and air crews in helping our wounded warriors make the expeditious and safe trip home to the United States and commending the personnel of the Air Force for their commitment to the well-being of all our service men and women, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. Res. 1605

Whereas aeromedical evacuation by the Air Force is part of an integrated combat casualty care system that includes front-line medics and corpsmen of the Army, Navy, and Air Force, as well as medical evacuation and casualty evacuation by Army, Navy, and Marine Corps flight, air ambulance, and ground ambulance crews;

Whereas aeromedical evacuation missions provide support for all of the Armed Forces;

Whereas, since September 11, 2001, the aeromedical evacuation system has moved over 81,000 patients, including almost 14,000 battle-injured soldiers;

Whereas troops wounded in Operation Enduring Freedom and Operation Iraqi Freedom reach United States military hospitals out of theater in 30 hours on average;

Whereas the majority of patients are normally flown to Ramstein Air Base in Germany, and then to appropriate care facilities in the United States;

Whereas our wounded troops arrive at United States hospitals in an average of 3 days;

Whereas now troops wounded in Operation Enduring Freedom and Operation Iraqi Freedom arrive at United States hospitals on average 7 days faster than they did during Operation Desert Storm and over 40 days faster than during the Vietnam conflict;

Whereas yielding a survival rate of 98 percent for wounded service members by adopting a new strategy of rapid evacuation from the battlefield, critical care air transport teams provide care that has resulted in the lowest mortality rate of any war in United States history;

Whereas aeromedical evacuation is a Total Force effort which includes Active Duty, Reserve, and Air National Guard members;

Whereas the Air Force Reserve squadrons, 10 National Guard squadrons, and 4 Active Duty squadrons;

Whereas the aeromedical evacuation system is comprised of aeromedical evacuation crews, aeromedical staging facilities, aeromedical liaison teams, support and communications personnel, and command and control teams;

Whereas the Air Force has up to 500 aeromedical evacuation, aeromedical staging, aeromedical liaison, support, communications, and command and control personnel deployed to Afghanistan, to Iraq, in Europe, and in the United States, as part of the team providing care and helping ensure that wounded soldiers, sailors, airmen, and Marines get safely home to their families;

Whereas a normal aeromedical evacuation crew is composed of 2 flight nurses and 3 technicians;

Whereas a normal critical care air transport team, composed of a critical care physician, critical care nurse, and a respiratory technician, augments an aeromedical evacuation crew when ICU level patients are transported; and

Whereas Air Mobility Command plays a crucial role in providing humanitarian support at home and around the world: Now, therefore, be it

Resolved, That the House of Representa-
tives—

(1) recognizes the service of the medical and air crews in helping our wounded warriors make the expeditious and safe trip home to the United States as part of the team providing care and helping to ensure that wounded soldiers, sailors, airmen, and Marines get safely home to their families;

(2) commends the personnel of the Air Force for their commitment to the well-being of all our service men and women;

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. CRITZ) and the gentleman from North Carolina (Mr. JONES) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania—

GENERAL LEAVE

Mr. CRITZ. Mr. Speaker, I ask unani-

mous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolu-
tion under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CRITZ. I yield myself such time as I may suspend.

Mr. Speaker, I rise today in support of House Resolution 1605, recognizing the service of the medical and aircrews in helping our wounded warriors make the expeditious and safe trip home to the United States and commending the personnel of the Air Force for their commitment to the well-being of all our servicemen and women.

I would like to thank the gentleman from California (Mr. THOMPSON) for bringing this resolution before the House.

Mr. Speaker, twice a week, those of us who have south-facing offices in the Cannon, Longworth and Rayburn House Office Buildings can sometimes catch a glimpse of something subtle but something altogether awe-inspiring. Every once in a while, we can see the arresting silhouette of a C-17 in a flight pattern towards Andrews Air Force Base in the final miles of the journey home for some of America’s wounded warriors. Twice per week, on schedule, these aeromedical crews bring our wounded servicemembers home right here to the National Capitol Area after having fallen ill or having suffered injury during an already difficult deployment overseas. This powerful image is part of a much larger system.

The Air Force has up to 500 aeromedical personnel deployed to Afghanistan, Iraq, in Europe, and in the United States as part of the team providing care and helping to ensure that wounded soldiers, sailors, airmen, and marines get safely home to their families. It takes an average of 3 days for wounded troops to arrive at hospitals in the United States. This is over 40 days faster than during the Vietnam War. We have Air Medical evacuation to thank for being the transportation spine of the effort to bring our ill and injured men and women home as safely and as quickly as we possibly can.

Ultimately, aeromedical evacuation by the Air Force is part of an integrated combat casualty care system that includes front-line medics and corpsmen of the Army, Navy and Air Forces as well as medical evacuation and casualty evacuation by Army, Navy and Marine Corps flight, air ambulance and ground ambulance crews.

We owe our sincerest gratitude to each and every person in this system who has yielded an extraordinary 98 percent survival rate for wounded servicemembers.

So, Mr. Speaker, if you are ever facing south on the Hill and see a C-17 on the horizon, you might nod in relief because it might be one of our aeromedical evacuation transports bringing our wounded warriors home to receive world-class medical care.

I urge my colleagues to support House Resolution 1605.

I reserve the balance of my time.

Mr. JONES. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 1605, as amended, recognizing the service of the military medical and aircrews who help our wounded warriors return home quickly and safely and commending the members of the Air Force for their commitment to our service men and women.

I thank the gentleman from California (Mr. THOMPSON) for introducing this resolution.

The key to our having our men and women survive after being wounded in combat is immediate medical care, followed by the quick and safe evacuation from the battlefield. No one does this better than the United States military.

Mr. Speaker, today’s combat casualty care system is a complex, integrated effort that brings a wounded
Mr. Speaker, last November a gunman opened fire at the Soldier Readiness Processing Center at Fort Hood, where military and civilian personnel had recently begun to deploy or were preparing to go overseas. This was an event that saddened every American, and it is important that we as a Nation remember those killed and injured and that we honor those who responded with courage and skill to assist the victims.

Ultimately, 12 soldiers and one civilian lost their lives in this atrocity against our fellow Americans. Those who were killed included several heroic individuals who served our Nation with pride and distinction. These men and women were our neighbors, our friends, and our brothers and sisters.

I urge my colleagues to recognize the soldiers and civilians killed and wounded by voting in favor of House Concurrent Resolution 319.

LIST OF SOLDIERS AND THE FORMER SOLDIER WHO LOST THEIR LIVES AT FORT HOOD

Lieutenant Colonel Juanita Warman
Major Libardo Caraveo
Captain John Gaffaney
Captain Russel Seager
Staff Sergeant Justin Decrow
Sergeant Amy Krueger
Specialist Frederick Greene
Private First Class Aaron Nemelka
Private First Class Michael Pearson
Private First Class Kham Xiong
Private Francheska Velez
Michael Cahill

I reserve the balance of my time.

Mr. JONES, Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on November 5, 2009, 13 people were killed and 31 wounded at Ft. Hood, Texas, when a gunman attacked unarmed military civilian personnel who were preparing for deployment or who recently returned to the United States from overseas.

Whereas 13 people were killed, including 12 soldiers, one of whom was an expecting mother, and one civilian; and

Whereas 31 people were wounded, and some of the wounded required months of care and rehabilitation; and

Whereas civilian and military law enforcement personnel of the Department of Defense acted swiftly and courageously to neutralize the threat; and

Whereas Army medics immediately began treating the wounded, greatly reducing the loss of life; and

Whereas Army medics immediately began treating the wounded, greatly reducing the loss of life; and

Whereas nearby Army personnel selflessly evacuated wounded individuals to safety prior to the threat being eliminated; and

Whereas the Fort Hood regional communities, the State of Texas, military service organizations and countless Americans united in support of the Fort Hood victims and their families: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes the shootings that occurred at Fort Hood, Texas, on November 5, 2009, as a tragic event in the history of the Army and the United States; and

(2) extends its deepest sympathies to the families and friends of the victims of the shootings who had already sacrificed a great deal by righting history answering their country’s call to serve; and

(3) honors the civilian law enforcement personnel of the Department of Defense for effectively implementing their training to promptly eliminate the threat, thereby limiting additional loss of life or injury; and

(4) commends the Fort Hood command team for its timely response and situational control; and

(5) expresses gratitude to the Fort Hood communities, military personnel stationed at Fort Hood, the U.S. Department of Defense, and the American people for promptly extending comfort and assistance to the victims of the shootings and their families.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. Critz) and the gentleman from North Carolina (Mr. Jones) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. CRITZ. Mr. Speaker, I ask unanimous consent that the rules be suspended and the resolution, as amended, be agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING FIRST ANNIVERSARY OF FORT HOOD SHOOTINGS

Mr. CRITZ. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 319) recognizing the anniversary of the tragic shootings that occurred at Fort Hood, Texas, on November 5, 2009.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. Con. Res. 319

Whereas, on November 5, 2009, a gunman entered the Soldier Readiness Processing Center at Fort Hood, Texas, and opened fire on military and civilian personnel who were preparing for deployment or who had recently returned to the United States from overseas; and

Whereas 13 people were killed, including 12 soldiers, one of whom was an expecting mother, and one civilian; and

Whereas 31 people were wounded, and some of the wounded required months of care and rehabilitation; and

Whereas civilian and military law enforcement personnel of the Department of Defense acted swiftly and courageously to neutralize the threat; and

Whereas Army medics immediately began treating the wounded, greatly reducing the loss of life; and

Whereas Army medics immediately began treating the wounded, greatly reducing the loss of life; and

Whereas nearby Army personnel selflessly evacuated wounded individuals to safety prior to the threat being eliminated; and

Whereas the Fort Hood regional communities, the State of Texas, military service organizations and countless Americans united in support of the Fort Hood victims and their families: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes the shootings that occurred at Fort Hood, Texas, on November 5, 2009, as a tragic event in the history of the Army and the United States; and

(2) extends its deepest sympathies to the families and friends of the victims of the shootings who had already sacrificed a great deal by righting history answering their country’s call to serve; and

(3) honors the civilian law enforcement personnel of the Department of Defense for effectively implementing their training to promptly eliminate the threat, thereby limiting additional loss of life or injury; and

(4) commends the Fort Hood command team for its timely response and situational control; and

(5) expresses gratitude to the Fort Hood communities, military personnel stationed at Fort Hood, the U.S. Department of Defense, and the American people for promptly extending comfort and assistance to the victims of the shootings and their families.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. Critz) and the gentleman from North Carolina (Mr. Jones) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. CRITZ. Mr. Speaker, I ask unanimous consent that the rules be suspended and the resolution, as amended, be agreed to.

A motion to reconsider was laid on the table.
important that we also recognize that Ft. Hood’s preparations beforehand enabled a timely response and situational control once the attack occurred. Unfortunately, the attack at Ft. Hood signals the requirement that such preparation apply to all of our military installations.

Mr. Speaker, I reserve the balance of my time.

Mr. CRITZ. Mr. Speaker, I yield such time as he may consume to my friend and colleague, the chairman of the Military Construction and Veterans Affairs Appropriations Subcommittee and original cosponsor of this resolution, the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS of Texas. Mr. Speaker, I rise in support of House Concurrent Resolution 319 and want to commend my colleague from Texas (Mr. CARTER) for offering this resolution and also for his tremendous leadership day in and day out on behalf of the incredible soldiers and families of Ft. Hood.

Mr. Speaker, on behalf of citizens all across America, we rise today to express our deepest respect for the soldiers and families of Ft. Hood, Texas, as we approach the 1-year anniversary of the tragic shooting there. I want to reaffirm to the Ft. Hood families that they are still in the thoughts and prayers of our Nation.

It is a tragedy beyond words that Americans who were willing to risk their lives for our country and combat abroad ended up losing their lives here at home in an attack that just 1 year ago would have seemed unimaginable. While the 12 soldiers and one civilian killed at Ft. Hood last November did not die in combat in a foreign country, they gave their lives defending America, and for that, we will always consider them heroes. The spouses, children, and families of the fallen may not be able to survive any more. Millions of soldiers, their families and communities who care for each other and are proud to serve and, yes, sacrifice for our Nation’s freedom.

I hope the world will see the Ft. Hood families are willing to sacrifice so much in service to country. Let us all re dedicate ourselves to honoring our troops, our veterans, and their families. Let us remember them not just on Veterans Day and Memorial Day with our words but every day.

Today, we send our prayers to those who were wounded, physically and emotionally, by the unprovoked attack last year at Ft. Hood, and we ask that God keep arms and unproving arms, those who gave that day, in the words of Lincoln, “their last full measure of devotion to country.”

Michael Grant Cahill, civilian physician assistant; Major L. Eduardo Caraveo; Staff Sergeant Justin M. DeCrow; Captain John P. Gaffaney; Specialist Frederick Greene; Specialist Jason Dean Hunt; Sergeant Amy Krueger; Private First Class Aaron Thomas Nemelka; Private First Class Michael Pearson; Captain Russell Seager; Private Francheska Velez; Lieutenant Colonel Juanita Warman; and Private First Class Kham Xiong.

While these heroes are now in God’s loving arms, we here on Earth shall not forget them.

Mr. JONES. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. CARTER), who introduced this resolution, as much time as he might consume.

Mr. CARTER. I thank my friend for yielding.

Mr. Speaker, I rise today in strong support of House Concurrent Resolution 319 commemorating the 1-year anniversary of the terrible shooting at Ft. Hood, Texas.

On November 5, 2009, a gunman entered the Soldier Readiness Processing Center at Ft. Hood, Texas, and mercilessly opened fire on military and civilian personnel who were preparing for deployment or who had recently returned from being overseas in a deployment. Thirteen people were killed in this attack, including 12 soldiers, one of whom was an expecting mother and one former soldier. Thirty-one people were wounded. Some of the wounded, like Staff Sergeant Patrick Zeigler, have required months of care and rehabilitation, and that is an ongoing situation.

But wonderful stories come out of this. One story that I heard, as a young soldier saw his sergeant get shot the third time, he jumped over this sergeant and the shooter and took the rest of the rounds into his body because he just was afraid his sergeant wouldn’t be able to survive any more.

At the time there was a graduation ceremony going on at Ft. Hood from college, and a bunch of young soldiers were graduating from college right next door. When the call went out for medics, multiple members of that group threw off their cap and gown and bolted next door to the processing center to work with the wounded. Without regard to their own safety, civilian and military law enforcement personnel, including Sergeants Munley and Todd, acted swiftly and courageously to neutralize the threat, using the active shooter training program they had recently completed.

Army medics immediately reverted to their combat-honed training and began treating the wounded, greatly reducing the loss of more life. Fellow soldiers from everywhere descended upon this area and, while the shooting was going on, risked their lives to evacuate their brethren safely to Darnall Army Hospital.

Fort Hood regional communities, the State of Texas, military service organization and coalitions united in support of Ft. Hood victims and their families, collecting millions of dollars in charitable donations. My office has worked hard to ensure that the Fort Hood victims receive all the benefits to which they are entitled as combat victims. Additionally, we are working with the Department of Defense to overcome regulatory obstacles that have prevented the victims and their families from receiving charitable donations. I am hopeful our Senate colleagues will agree to these legislative adjustments included in this year’s defense authorization bill to ensure that Fort Hood victims and their families receive every benefit to which they are rightly entitled.

I want to thank the House Armed Services Committee and the House leadership for working with my office to swiftly bring this resolution to the floor.

I ask my colleagues to join me in honoring the Fort Hood victims and their families by passing this House Concurrent Resolution 319.

Mr. Speaker, I intentionally did not discuss the accused shooter in an effort to protect his right to a fair and impartial trial when that trial occurs.

Mr. PETRI. Mr. Speaker, as the House considers H. Con. Res. 319 recognizing the anniversary of the shootings at Ft Hood last November, I would like to pay tribute to all of the 43 shooting casualties and recognize two of my constituents.

Staff Sergeant Amy Krueger of Kiel, Wisconsin, was one of those who lost their lives that day. Following the 9/11 terrorists attacks, she was moved to join the Army because she wanted to help keep America safe. She was proud of her military service and returned to Kiel High School to share her experiences with current students. Staff Sergeant Krueger had been to Afghanistan previously and, like others in the Soldier Readiness Processing
Center that day, was about to be deployed again. In his remarks at the Fort Hood memorial service shortly after the shooting, President Obama shared a story that symbolizes Staff Sergeant Krueger’s energy, drive and determination. He said, “When her mother told her she couldn’t take on Osama bin Laden by herself, Amy replied ‘Watch me.’” That spirit was evident to all who knew her.

In the small Wisconsin town of Kiel, the news of Staff Sergeant Krueger’s death was met with outpouring of love and support for her family and friends, as well as respect for her service to our country. On Memorial Day this year, the town unveiled a memorial in her honor that includes words that meant so much to her; “All Gave Some—Some Gave All.” As we mark this sad day one year later, we remember Staff Sergeant Krueger and send our thoughts and prayers to her loved ones.

Private First Class Amber Bahr of Random Lake, Wisconsin, is a Sixth District resident who was injured in the shootings. As the events unfolded that terrible day, Amber immediately reacted to help her injured comrades and did not even realize that she too had been shot. This generous spirit was also cited by President Obama as an example of the bravery and caring of these soldiers for one another.

Our service men and women have joined the military to serve their country; many, like Amy, to join the fight against terrorism. I am sure they did not expect that they would be fighting it here on U.S. soil.

I join my colleagues in supporting H. Con. Res. 319 as we take time to remember and pay our respects to those lives lost, as well as commend and thank the civilian and military law enforcement personnel, the medics and all others who helped those in need that day.

Mr. JONES. I yield back the balance of my time.

Mr. CRITZ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. CRITZ) that the House suspend the rules and agree to the resolution, H. Con. Res. 319.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL POW/MIA RECOGNITION DAY

Mr. CRITZ. Mr. Speaker, I move to suspend the rules and agree to the resolution, H. Res. 1630, expressing support for National POW/MIA Recognition Day, as amended.

The Clerk reads the title of the resolution.

The text of the resolution is as follows:

H. RES. 1630

Whereas the United States depends upon the service and sacrifices of courageous young Americans to protect and uphold the nation's ideals;

Whereas generations of American men and women have served bravely and honorably in foreign conflicts over the course of the history of the United States;

Whereas thousands of these Americans serving overseas were detained and interned as prisoners of war, or went missing in action (“MIA”) during their wartime service;

Whereas more than 138,000 members of the United States Armed Forces who fought in conflicts such as World War II, the Korean War, the Vietnam War, the Cold War, the Gulf War, and Operation Iraqi Freedom were detained or interned as POWs, many suffering and thousands dying from starvation, forced labor, and severe torture;

Whereas, in addition to those POWs, more than 84,000 members of the Armed Forces who served in those wars remain listed by the Department of Defense as unaccounted for;

Whereas there remains today members of the Armed Forces being held in Iraq and Afghanistan;

Whereas these thousands of American POWs and MIAs gave an irreplaceable sacrifice for their country and for the well-being of their fellow Americans;

Whereas their bravery and sacrifice should be forever memorialized and honored by all Americans;

Whereas the uncertainty, hardship, and pain endured by the families and loved ones of POWs and MIAs cannot be forgotten;

Whereas Congress first passed a resolution commemorating “National POW/MIA Recognition Day” in 1989;

Whereas the President annually honors “National POW/MIA Recognition Day” on the third Friday of each September through Presidential proclamation; and

Whereas in 2008 “National POW/MIA Recognition Day” is honored on September 17; Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes that National POW/MIA Recognition Day is one of the six days specified by law (pursuant to section 902 of title 36, United States Code) as a day on which the POW/MIA flag is to be flown over Federal facilities and national cemeteries, military installations, and post offices;

(2) extends the gratitude of the House of Representatives to those who have served the United States in captivity to hostile forces as prisoners of war;

(3) recognizes and honors the more than 84,000 members of the Armed Forces who remain unaccounted for and their families;

(4) recognizes the untiring efforts of national POW/MIA organizations in ensuring that America never forgets the contribution of the nation’s prisoners of war and unaccounted for military personnel;

(5) applauds the personnel of the Defense POW/MIA Accounting Office, the Joint POW/MIA Accounting Command, the Armed Forces Identification Laboratory, the Life Sciences Equipment Laboratory, and the military separator for continuing their mission of achieving the fullest possible accounting of all Americans unaccounted for as a result of the previous conflicts of the United States; and

(6) calls on all Americans to recognize National POW/MIA Recognition Day with appropriate remembrances, ceremonies, and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. CRITZ) and the gentleman from North Carolina (Mr. JONES) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.
Since the Vietnam war, achieving the fullest possible accounting of our POWs and MIAs has been a national priority. The Department of Defense organizations principally responsible for the accounting effort have made significant progress even at the cost of the lives of some who served for physically demanding, dangerous fieldwork required. So I want to especially commend the efforts of the Defense POW/MIA Accounting Command, the Armed Forces Identification Laboratory, the Life Sciences Equipment Laboratory, and each of the military services. They make up the core of the Department of Defense’s accounting community.

Yet with all the progress that has been made, more needs to be done. The House Armed Services Committee took the lead a year ago with the enactment, for the first time, of a statutory requirement that the POWs and MIAs, present and past, as well as those of all American prior wars were fully accounted for. In addition, the legislation mandated that by 2015, the Department of Defense achieve the fullest possible accounting of no less than 200 persons a year. To achieve this, the legislation will require additional resources and an improved integration of efforts among the DOD accounting community. We look forward to the Department of Defense plan to improve the way it has conducted the accounting mission.

It also important for us to understand and commend the efforts of the families and loved ones of those who remain unaccounted for. Their unflagging grassroots efforts, as well as those of national POW/MIA organizations, have been essential to ensure that both the Congress and the executive branch remain committed to the accounting effort.

Finally, we must not forget those who died as POWs or survived captivity despite starvation, forced labor, and severe torture. For this reason, this resolution in support of National Prisoner of War/Missing in Action Recognition Day is an important one, and I urge unanimous support for its adoption.

I yield back the balance of my time.

Mr. CRITZ. I yield such time as he may consume to my friend and colleague, and the sponsor of this resolution, the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Mr. Speaker, I rise today in support of H. Res. 1630, expressing support for National POW/MIA Recognition Day, which occurred on September 17.

With every war America wages, our Nation has experienced courageous and selfless members of the United States Armed Forces who have fought to secure our freedom and liberty. During the course of these conflicts, more than 138,000 brave American service men and women have been detained as prisoners of war. Many suffered through torture, forced labor, and unspeakable hardships. Some POWs return home; others did not. They all deserve our recognition and our gratitude.

Also deserving special recognition are those Americans who never return from war—who are missing in action. Indeed, there remain today over 84,000 missing service members, sailors, airmen, and marines who are unaccounted for on the battlefields of World War II, Korea, Vietnam, the cold war, and the gulf war.

One particular group of American heroes I want to mention today are the more than 500 U.S. marines and sailors from World War II who remain unaccounted for on the small Pacific atoll of Tarawa. I worked with Armed Forces Committee Chairman IKE SKELTON to include language in the 2010 defense reauthorization urging the Defense Department to review new research on the location of the remains of U.S. servicemen on Tarawa and to do everything feasible to see that they are recovered.

The Joint POW/MIA Accounting Command, JPAC, has just returned from Tarawa with word that they have recovered the remains of what they believe to be two U.S. servicemen. I, along with the families of those missing servicemembers, look forward to receiving the full report on this mission.

It is our obligation to honor the extraordinary service of all American POWs and MIAs. Congress first passed a resolution designating National POW/MIA Recognition Day in 1979. Since then, the third Friday of every September has been set aside to give remembrance to our Nation’s prisoners of war, unaccounted for military personnel, and their families and friends.

So long as members of our Armed Forces remain unaccounted for, we must expend every effort to bring them home to the country in whose defense they fought and sacrificed. It is vital that today’s troops and their families know the U.S. will pursue all possible measures to fulfill the promise of recovery.

I want to highlight the unwavering commitment of the military commands devoted to recovering remains and providing solace and closure to the families of Americans who remain missing in action from previous conflicts. The Joint POW/MIA Accounting Command has undertaken countless commissions throughout the world to bring home the remains of fallen service members, and the efforts of the Defense Department’s POW/Missing Person Office, the Armed Forces Identification Laboratory, the Life Sciences Equipment Laboratory, and numerous veterans and POW/MIA organizations are more than deserving of recognition as well.

And, unfortunately, we cannot forget the missing U.S. servicemen, sailors, currently listed as having died in Iraq and Afghanistan. We will continue to pray for a swift and auspicious end to their ordeal.

I want to thank my colleagues who joined me in cosponsoring this resolution, as well as House Armed Services Committee Chairman SKELTON for his help in moving that resolution.

I want to thank Mr. CRITZ for his work on this issue and other issues in support of our veterans. I want to thank Mr. JONES for all his work for our veterans.

Until they are home, our thoughts and prayers will forever remain with the families, friends and loved ones of those Americans who have suffered through tremendous hardship for their country.

I ask all my colleagues to join in support of National POW/MIA Recognition Day and to take a moment to reflect upon the immeasurable sacrifices made by America’s service men and women to ensure our freedom.

Mr. JOHNSON of Georgia. I rise today in support of H. Res. 1630, a resolution expressing support for National POW/MIA Recognition Day.

Mr. Speaker, as Members of Congress, our most solemn obligation is to defend the United States and protect the American people from those who would do them harm. But we merely make national security policy. The men and women in uniform who shoulder the burden of defending our nation—who fight and sacrifice around the world on our behalf—are the tip of the spear, who risk life and limb to keep us safe.

Those American warriors who are captured or missing in action must be honored, and this resolution does honor them. We extend the gratitude of this body and the nation to those who have served and continue to serve the United States in captivity to hostile forces as prisoners of war, and those who remain missing. But more importantly, we must make every effort to find and liberate them. American service men and women must know that they will not be forgotten. They will not be abandoned.

More than 138,000 members of the Armed Forces who fought in World War II, the Korean war, the Vietnam war, the cold war, the gulf war, and Operation Iraqi Freedom were detained or interned as POWs. Many of them endured unimaginable hardships. To them, to the 84,000 members of the Armed Forces remaining unaccounted for, and to those Americans who have suffered through tremendous hardship for their country, we offer our gratitude.

Mr. Speaker, let us pause to honor those who have been captured or missing while serving our country at war. I urge my colleagues to support this resolution, a small token of our solemn appreciation.

Mr. CRITZ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. CRITZ) that the House suspend the rules and agree to the resolution, H. Res. 1630, as amended.

The question was taken; and (two-thirds being in the affirmative) the motion agreed to.

I am grateful to the gentleman from Illinois (Mr. LIPINSKI) for all his work for our veterans.
CONDEMNING REMOVAL OF MOJAVE CROSS MEMORIAL

Mrs. CHRISTENSEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1378) condemning the theft of the Mojave National Preserve of the national Mojave Cross memorial honoring American soldiers who died in World War I.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. Res. 1378

Whereas in 1934, World War I veterans placed a cross memorial on Sunset Rock near Barstow, California, with a wooden plaque proclaiming the simple monument honored the lives of all who have defended America and freedom;

Whereas in 2002, Congress declared the Mojave Cross a national memorial, the only such memorial dedicated to the war dead of World War I;

Whereas in 2003, Congress passed legislation to protect the Mojave Cross memorial by passing a bill that would leave the cross on private land, to be maintained by the Veterans of Foreign Wars;

Whereas, on April 28, 2010, the United States Supreme Court, in Salazar v. Buono, reversed a Court of Appeals judgment that invalidated an effort by Congress to preserve the Mojave Cross memorial through a land transfer and remanded the case for further proceedings; and

Whereas, on May 9, 2010, the Mojave Cross memorial was reportedly vandalized and stolen; Now therefore, be it

Resolved, That the House of Representatives—

(1) condemns the illegal removal of the Mojave Cross memorial by vandals as a repulsive act that is an insult to the brave men and women who have served in the Armed Forces and who have given their lives to defend the country; and

(2) urges the National Park Service and Federal law enforcement to continue working with the Veterans of Foreign Wars to recover the Mojave Cross memorial.

The SPEAKER pro tempore. There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. CHRISTENSEN) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CELEBRATING 75TH ANNIVERSARY OF HOOVER DAM

Mrs. NAPOLITANO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1636) celebrating the 75th anniversary of the Hoover Dam.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. Res. 1636

Whereas the Hoover Dam, a concrete arch-gravity storage dam, was built in the Black Canyon of the Colorado River between the States of Nevada and Arizona, forever changing how water is managed across the West;

Whereas, on September 30, 1935, President Franklin D. Roosevelt dedicated the Hoover Dam;

Whereas the construction of the dam created Lake Mead, a reservoir that can store two years average flow of the Colorado River providing vitally critical flood control, water supplies, and electrical power to help create and support the economic growth and development of the Southwestern United States;

Whereas the Hoover Dam has prevented an estimated 50,000,000,000 in flood damages in the Lower Colorado River Basin, provides water for more than 18,000,000 people, for 1,000,000 acres of farmland in Arizona, California, and Nevada, and for 500,000 acres in Mexico, and produces on average 4,000,000,000 kilowatt-hours of hydroelectric power each year;

Whereas the Hoover Dam is the model for major water management projects around the world; and

Whereas the Hoover Dam is registered as a National Historic Landmark on the United States National Register of Historic Places and is considered one of several modern engineering wonders by the American Society of Civil Engineers: Now, therefore, be it

Resolved, That the House of Representatives—

(1) celebrates and acknowledges the thousands of workers and families that overcame difficult working conditions and great challenges to make construction of the facility possible;

(2) celebrates and acknowledges the economic, cultural, and historic significance of the Hoover Dam and its role in meeting future challenges;

(3) recognizes the past, present, and future benefits of its construction to the agricultural, industrial, and urban development of the Southwestern United States; and

(4) joins the States of Arizona, California, Nevada, and the entire Nation in celebrating the 75th anniversary of the dedication of the Hoover Dam.

The SPEAKER pro Tempore. Pursuant to the rule, the gentlewoman from California (Mrs. NAPOLITANO) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

Mrs. NAPOLITANO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1636, a bipartisan resolution, commemorates the 75th anniversary of the dedication of Hoover Dam, and recognizes the past, the present, and the future benefits of its construction to the agricultural, to the industrial, and to the urban development of the southwestern United States.

During its 75-year history, Hoover Dam has played a pivotal role in shaping what the Southwest is today, from a region with an inconsistent supply of water, to now providing water for more than 30 million people, with irrigation water for over 1 million acres of farmland in the States of Arizona, California, Nevada, and 500,000 acres in Mexico. That beautiful natural resource that sparks adds life and economy to our west.

While this facility was completed three-quarters of a century ago, it continues for today and tomorrow to provide water and power certainty for millions of people. We currently have legislation pending in the Senate, Senate Bill 2819, and H.R. 4349, the Hoover Power Allocation Act of 2010. This legislation would allocate hydropower generated at Hoover Dam, estimated at
4 billion kilowatt hours of hydroelectric power each year, for the next 50 years. I would want to reiterate our support for the enactment of this important legislation.

Mr. Speaker, I ask my colleagues to support the passage of this bipartisan resolution. Hoover Dam is truly a marvel of engineering, of technology and human endeavor. And tomorrow this reenactment of its 75-year dedication will take place in Las Vegas.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Speaker, generations ago water and power visionaries came up with the idea of making the West bloom by harnessing our rivers. The Hoover Dam is a legendary example of that vision. When completed in 1935, it was the tallest dam and the largest hydroelectric generator in the world. It literally helped create cities in the arid West and to this day, as my friend from California pointed out, still provides numerous benefits: emissions-free hydropower, drinking and irrigation water, and recreation and flood control.

This bipartisan resolution is a fitting honor to the Hoover Dam and to those who had the foresight to create one of the world’s best-known engineering marvels.

Mr. Speaker, I yield back the balance of my time.

Mrs. NAPOLITANO. Mr. Speaker, very, very swiftly and quickly, before I yield back the balance of my time, I thank my staff and the minority staff on this beautiful resolution that is going to commemorate some magnificent achievements by the United States to really promote what we now know as the Southwest.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlelady from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlelady from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 417, legislation that I introduced to authorize the Secretary of the Interior to enter into a lease with the owners of Caneel Bay Resort in my congressional district.

I have a longer statement which I will submit for the RECORD, but I want to begin by thanking Natural Resources Committee Chairman Nick RAHALL and Subcommittee Chairman RAÚL GRIJALVA for their strong and steadfast support of this bill. I also want to thank Ranking Member HASTINGS and Subcommittee Ranking Member BISHOP for their support as well.

Mr. Speaker, H.R. 714 passed the House in February of 2009 and was approved by the other body, with an amendment, on May 14 of this year. We have been working to secure the enactment of this or a similar bill for more than 4 years, which will mean that the largest employer on the island of St. John in my district will be able to make badly needed upgrades to its facilities and keep operating and save jobs of over 400 employees during these challenging economic times.

In conclusion, Mr. Speaker, I want to thank the Natural Resources Committee Chief of Staff Jim Zoia, Chief Counsel Rick Healy, and National Park Service Public Land Sub-committee Staff Director David Watkins for all their hard work and assistance on this bill. H.R. 714 is an example of an effective public-private partner-

Mr. Speaker, I urge my colleagues to support its adoption.

I reserve the balance of my time.

Mr. Speaker, H.R. 714 has been adequately explained by the gentlelady from the Virgin Islands, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlelady from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 714.

The question was taken: and (two-thirds being in the affirmative) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

### HOUSE

#### CONGRESSIONAL RECORD — HOUSE

#### September 28, 2010

**HOUSING, EMPLOYMENT, AND LIVING PROGRAMS FOR VETERANS ACT OF 2010**

Mr. FILNER. Mr. Speaker, I move to suspend the rules and agree to the resolution, as amended.

Mr. Speaker, H.R. 714 has been adequately explained by the gentlelady from the Virgin Islands (Mrs. CHRISTENSEN). I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Housing, Employment, and Living Programs for Veterans Act of 2010” or the “HELP Veterans Act of 2010.”

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Short title; table of contents</td>
</tr>
<tr>
<td>2</td>
<td>References to title 38, United States Code</td>
</tr>
<tr>
<td>3</td>
<td>Modification of standard of visual acuity required for eligibility for specially adapted housing assistance</td>
</tr>
<tr>
<td>4</td>
<td>Authorities regarding housing loans for purposes of the educational assistance programs of the Department of Veterans Affairs</td>
</tr>
<tr>
<td>5</td>
<td>Reauthorization and improvement of Department of Veterans Affairs small business loan program</td>
</tr>
<tr>
<td>6</td>
<td>Assistance for flight training</td>
</tr>
<tr>
<td>7</td>
<td>Seven-year increase in amount of assistance for individuals pursuing apprenticeships or on-job training</td>
</tr>
<tr>
<td>8</td>
<td>Extension of authority for certain qualifying work-study activities for purposes of the educational assistance programs of the Department of Veterans Affairs</td>
</tr>
<tr>
<td>9</td>
<td>Expansion of work-study allowance to include certain outreach services conducted through congressional offices</td>
</tr>
<tr>
<td>10</td>
<td>Temporary reduction of required amount of wages for on-the-job training programs</td>
</tr>
</tbody>
</table>

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5360

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**GENERAL LEAVE**

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 714.

The question was taken: and (two-thirds being in the affirmative) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

**VIRGIN ISLANDS NATIONAL PARK LAND LEASE**

Mrs. CHRISTENSEN. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 714) to authorize the Secretary of the Interior to lease certain lands in Virgin Islands National Park, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Senate amendments:
CONGRESSIONAL RECORD — HOUSE

H7009

Sec. 11. Reauthorization of Veterans’ Advisory Committee on Education.

Sec. 12. Homeless women veterans and homeless veterans with children reintegrating grant program.

Sec. 13. Technology review and grant program.


Sec. 15. Increase in amount of reporting fee payable to educational institutions that enroll veterans receiving educational assistance.

Sec. 16. Modification of advance payment of initial educational assistance or vocational rehabilitation assistance.

Sec. 17. Increase in amount of subsistence allowance payable to veterans participating in vocational rehabilitation.

Sec. 18. Expansion of availability of employment assistance allowance for veterans using employment services.

Sec. 19. Promoting jobs for veterans teaching in rural areas.

Sec. 20. Promoting jobs for veterans through the establishment of an internship program.

Sec. 21. Veterans entrepreneurial development summit.

Sec. 22. Increase in the maximum amount of specially adapted housing assistance authorized to be provided by the Secretary of Veterans Affairs.

Sec. 23. Department of Veterans Affairs housing loans for construction of energy efficient dwellings.

Sec. 24. Pilot program on specially adapted housing assistance for veterans residing temporarily in housing occupied by a family member.


SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 3. MODIFICATION OF STANDARD OF VISUAL ACUITY REQUIRED FOR ELIGIBILITY FOR SPECIALLY ADAPTED HOUSING ASSISTANCE PROVIDED BY THE SECRETARY OF VETERANS AFFAIRS.

(a) In General.—Section 2101(b)(2)(A) is amended by striking “with 5/200” and all that follows through the period and inserting the following: “with central visual acuity of 20/200 or less in the better eye with the use of standard correcting lenses (for purposes of this subparagraph, an eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be treated as having a central visual acuity of 20/200 or less).”

(b) Effective Date.—The amendment made by subsection (a) shall apply with respect to specially adapted housing assistance provided on or after the date of the enactment of this Act.

SEC. 4. AUTHORITIES REGARDING HOUSING LOANS GUARANTEED BY THE DEPARTMENT OF VETERANS AFFAIRS.

(a) Covenants and Liens in Response to Disaster-Relief Assistance.—(Paraphrase of section 7303(d) is amended to read as follows:

“(3)(A) Any real estate housing loan (other than for repairs, alterations, or improvements) shall be secured by a first lien on the realty. In determining whether a loan is so secured, the Secretary may either disregard or allow for subordination to a superior lien that—

“(i) is created by a duly recorded covenant running with the realty in favor of a public entity that provides assistance in response to a major disaster as determined by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); or

“(ii) a private entity to secure an obligation to such entity for the homeowner’s share of the costs of the management, operation, or maintenance of property, services, or programs within and for the benefit of the development or community in which the veteran’s realty is located; and

“(iii) the Secretary determines will not prejudice the interests of the veteran borrower and of the Government by the operation of such a covenant.

“(B) In respect to a superior lien described by subparagraph (A) that is created after June 6, 1969, the Secretary’s determination must have been made prior to the recordation of the covenant.”

(b) Extension of Authority to Pool Loans.—(Paraphrase of section 3720(b) is amended by striking “2011” and inserting “2016”.

SEC. 5. REAUTHORIZATION AND IMPROVEMENT OF THE VETERANS’ ADMINISTRATION TRAINEESHIP PROGRAM.

(a) Reauthorization.—

(1) In General.—Chapter 37 is amended by striking section 3753.

(2) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by striking the item relating to section 3753.

(b) Expansion of Eligibility for Small Business Loans.—Chapter 37 is further amended—

(1) in section 3741, by striking paragraph (2); and

(2) in section 3742(a)(3)(A), by striking “veterans of the Vietnam era or”;

(c) Repeal of Authority to Make Direct Loans.—Chapter 37, as amended by subsections (a) and (b), is further amended—

(1) in section 3742—

(A) in subsection (a)—

(i) in paragraph (2), by striking “(A) loan guaranties, or (B) direct loans” and inserting “loan guaranties”; and

(ii) in paragraph (3)(A), by striking “and that at least 51 percent of a business concern must be owned by disabled veterans in order for such concern to qualify for a direct loan.”

(B) in subsection (b)—

(i) by striking paragraph (1) and redesignating paragraphs (2) through (4) as paragraphs (1), respectively; and

(ii) in paragraph (2), as so redesignated, by striking “make or”;

(C) in subsection (c), by striking “made or”;

(D) in subsection (d)—

(i) by striking paragraph (2); and

(ii) by striking “Except as provided in paragraph (2) of this subsection, the” and inserting “The”; and

(iii) by striking “make or”; and

(E) in subsection (e)—

(i) in paragraph (1)—

(I) in the first sentence, by striking “or, if the loan was a direct loan made by the Secretary, may suspend such obligation”; and

(II) in the second sentence, by striking “or while such obligation is suspended”; and

(ii) by striking “or suspend” each place it appears;

(iii) by striking “or suspension” each place it appears;

(iv) by striking “or suspends” each place it appears; and

(v) in paragraph (4), by striking “or suspended” each place it appears;

(2) in section 3743—

(A) by striking “that is provided a direct loan under this subchapter, or”;

(B) by striking the comma between “subchapter” and “and”;

(C) by striking “direct or”; and

(D) by striking “for the amount of such direct loan, or in the case of a guaranteed loan”;

(3) in section 3745—

(A) by striking “(a)”;

(B) by striking subsection (b); and

(C) by striking “make or”;

(4) Authority to Enter Into a Contract.—Section 3746, as amended by subsection (c), is further amended by adding at the end the following new subsection:

“(D) The Secretary shall enter into a contract with an appropriate entity for the purpose of carrying out the program under this subchapter.”

(d) Funding.—Section 3747(b), as amended by subsection (c), is further amended by adding at the end the following new paragraph:

“(4) The Secretary may only guarantee a loan under this subchapter to the extent that a limitation commitment to guarantee loans for a fiscal year has been provided in advance in appropriations Acts.”

(1) Authorization of Appropriations.—

(1) In General.—Section 3749 is amended by striking—

“(a) Authorization of appropriations—

“‘There are authorized to be appropriated to carry out this subchapter such sums as may be necessary.’.”

(2) Clerical Amendment.—The table of sections at the beginning of chapter 37 is amended by striking the item relating to section 3749 and inserting the following new item:

“3749. Authorization of appropriations.”

(g) Loan Fee.—

(1) In General.—Chapter 37 is further amended by inserting after section 3749 the following new section:

“3749A. Loan Fee

“(a) Requirement of Fee.—(1) The Secretary shall collect a fee from each veterans’ small business concern obtaining a loan guaranteed under this subchapter.

(2) The fee may be included in the loan guaranteed under this subchapter and paid from the proceeds thereof.

(b) Determination of Fee.—The amount of the fee shall be the full cost of the loan guarantee plus an additional amount determined by the Secretary as sufficient to cover applicable administrative expenses.

(2) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3749 the following new item:

“3749A. Loan Fee.”

(d) Definitions.—Section 3741 is amended by adding at the end the following new paragraph:

“(e) ‘Contract’ means—

“(1) the term ‘cost’ has the meaning given the term ‘cost of a loan guarantee’ within the meaning of section 5025(c) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(c));

“(2) the term ‘obligation’ means the loan or other debt obligation that is guaranteed under this subchapter.”

September 28, 2010
SEC. 6. ASSISTANCE FOR FLIGHT TRAINING.
Subsection (e)(1) of section 3032 is amended by striking “60 percent” and inserting “75 percent.”

SEC. 7. SEVEN-YEAR INCREASE IN AMOUNT OF ASSISTANCE FOR INDIVIDUALS PURSUING APPRENTICESHIPS OR ON-JOB TRAINING.

During the seven-year period beginning on the date of enactment of this Act, the Secretary of Veterans Affairs shall apply—

(1) section 3032(c)(1) of title 38, United States Code—
(A) in subparagraph (A), by substituting “80 percent” for “60 percent”; and
(B) in subparagraph (B), by substituting “60 percent” for “55 percent”;

(2) section 3233(a) of such title—
(A) in paragraph (1), by substituting “80 percent” for “75 percent”;
(B) in paragraph (2), by substituting “60 percent” for “55 percent”; and
(C) in paragraph (3), by substituting “40 percent” for “35 percent”;

(3) section 3057(b)(2) of such title—
(A) by substituting “$600” for “$574”; and
(B) by substituting “$450” for “$429”;

(4) section 3112(d)(1) of title 10, United States Code—
(A) in subparagraph (A), by substituting “80 percent” for “75 percent”;
(B) in subparagraph (B), by substituting “60 percent” for “55 percent”; and
(C) in subparagraph (C), by substituting “40 percent” for “35 percent”.

SEC. 8. EXTENSION OF AUTHORITY FOR CERTAIN QUALIFYING WORK-STUDY ACTIVITIES FOR PURPOSES OF THE EDUCATION AND REHABILITATION PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS.

Paragraph (a) of section 3485(a) is amended by striking “June 30, 2010” each place it appears and inserting “June 30, 2020”.

SEC. 9. EXPANSION OF WORK-STUDY ALLOWANCE TO INCLUDE CERTAIN OUTREACH SERVICES CONDUCTED THROUGH CONGRESSIONAL OFFICES.

Section 3485(a)(4) is amended by adding at the end the following new subparagraph:—

“(G) The following activities carried out at the offices of Members of Congress for such Members, pursuant to section 3677(b)(1)(A)(ii) of title 38, United States Code—

(i) the distribution of information to members of the Armed Forces, veterans, and their dependents about the benefits and services provided by the Secretary of Veterans Affairs or to the Secretary by the other appropriate governmental and non-governmental programs.

(ii) The provision of assistance in ascertaining the status of claims (including appeals) for benefits under laws administered by the Secretary, as well as other constituent services for veterans as the Secretary determines appropriate.

SEC. 10. TEMPORARY REDUCTION OF REQUIRED AMOUNT OF WAGES FOR ON-THE-JOB TRAINING PROGRAMS.

(a) IN GENERAL.—

(1) REDUCING REQUIREMENT.—Section 3677(b)(1)(A)(ii) is amended by striking “65 percent” and inserting “60 percent”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 2010, and shall apply to a veteran who obtains an offer of employment under section 3677 or who commencesoster training on the job approved under section 3677 of title 38, United States Code, on or after such date.

(b) SUNSET.—

(1) REQUIREMENT.—Effective October 1, 2013, section 3677(b)(1)(A)(ii) of such title, as amended by subsection (a) of this section, is amended by striking “60 percent” and inserting “65 percent”.

(2) APPLICATION.—The amendment made by paragraph (1) shall apply to a veteran who

SEC. 11. REAUTHORIZATION OF VETERANS’ ADVISORY COMMITTEE ON CIVILIAN JOBS.

Section 3692(c) is amended by striking “December 31, 2009” and inserting “December 31, 2013.”

SEC. 12. HOMELESS VETERANS AND HOMELESS VETERANS WITH CHILDREN REINTEGRATION GRANT PROGRAM.

(a) GRANT PROGRAM.—Chapter 20 is amended by adding after section 2021 the following new section:

“§ 2021A. Homeless women veterans and homeless veterans with children reintegration grant program.

“(a) AUTHORITY TO MAKE GRANTS.—The Secretary shall make grants to encourage the development of new assistive technology programs for specially adapted housing for use in specially adapted housing.

“(b) APPLICATION.—A person or entity seeking a grant under this section shall submit to the Secretary an application for the grant in such form and manner as the Secretary shall prescribe.

“(c) GRANT FUNDS.—Each grant awarded under this section shall be an amount of not more than $250,000 per year.

“(d) USE OF FUNDS.—The recipient of a grant under this section shall use the grant to develop assistive technologies for use in specially adapted housing.

“(e) REPORT.—Not later than March 1 of each year following a year in which the Secretary makes a grant under this section, the Secretary shall submit to Congress a report containing information related to each grant awarded under this section during the preceding calendar year, including—

“(1) the name of the grant recipient;

“(2) the amount of the grant; and

“(3) the goal of the grant.

“(f) FUNDING.—From amounts authorized to be appropriated to the Department for each fiscal year for which the Secretary makes a grant under this section, $1,500,000 shall be available for that fiscal year for the purposes of the program under this section.

“(g) TERMINATION.—The authority to make grants under this section shall terminate on the date that is five years after the date of the enactment of this Act.

“(h) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2018. Specially adapted housing assistive technology grant program.”

SEC. 13. TECHNOLOGY REVIEW AND GRANT PROGRAM.

(a) REVIEW AND EVALUATION OF NEW TECHNOLOGY.—The Secretary of Veterans Affairs shall establish a team of individuals from the Department of Veterans Affairs to review new technologies, processes, and products and for determining which such technologies, processes, and products may be beneficial to the Department of Veterans Affairs or the veterans served by the Department.

(b) SPECIALLY ADAPTED HOUSING ASSISTIVE TECHNOLOGY GRANT PROGRAM.—

(1) IN GENERAL.—Chapter 20 is amended by adding at the end the following new section:

“§ 2108. Specially adapted housing assistive technology grant program.

“(a) AUTHORITY TO MAKE GRANTS.—The Secretary shall make grants to encourage the development of new assistive technology programs for specially adapted housing.

“(b) APPLICATION.—A person or entity seeking a grant under this section shall submit to the Secretary an application for the grant in such form and manner as the Secretary shall prescribe.

“(c) GRANT FUNDS.—Each grant awarded under this section shall be an amount of not more than $250,000 per year.

“(d) USE OF FUNDS.—The recipient of a grant under this section shall use the grant to develop assistive technologies for use in specially adapted housing.

“(e) REPORT.—Not later than March 1 of each year following a year in which the Secretary makes a grant under this section, the Secretary shall submit to Congress a report containing information related to each grant awarded under this section during the preceding calendar year, including—

“(1) the name of the grant recipient;

“(2) the amount of the grant; and

“(3) the goal of the grant.

“(f) FUNDING.—From amounts authorized to be appropriated to the Department for each fiscal year for which the Secretary makes a grant under this section, $1,500,000 shall be available for that fiscal year for the purposes of the program under this section.

“(g) TERMINATION.—The authority to make grants under this section shall terminate on the date that is five years after the date of the enactment of this Act.

“(h) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2108. Specially adapted housing assistive technology grant program.”

(3) EFFECTIVE DATE.—The Secretary of Veterans Affairs shall begin making grants under section 2108 of title 38, United States Code, as added by paragraph (1), by not later than one year after the date of the enactment of this Act.

SEC. 14. CHILD CARE; PRESIDENT’S BUDGET.

(a) IN GENERAL.—Chapter 21 is amended by adding at the end the following new sections:

“§ 3123. Child care assistance for single parents.

“(a) IN GENERAL.—Pursuant to regulations prescribed by the Secretary to carry out this section, the Secretary shall provide reimbursements for the actual cost of child care provided by a licensed provider to a veteran who

“(1) is participating in a vocational rehabilitation program under this chapter;
(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

3123. Child care assistance for single parents.
3124. Information included in support of President’s budget.

SEC. 15. INCREASE IN AMOUNT OF REPORTING FEE PAYABLE TO EDUCATIONAL INSTITUTIONS THAT ENROLL VETERANS RECEIVING EDUCATIONAL ASSISTANCE.

(a) Increase in Amount of Fee.—Subsection (c) of section 3684 is amended—

(1) by striking "$7" and inserting "$16"; and

(2) by striking "$11" and inserting "$16".

(b) Technical Correction.—Subsection (a) of such section is amended by striking the second comma after "34".

c) Effective Date.—The amendments made by subsection (a) shall apply with respect to a payment made for the third month beginning after the date of the enactment of this Act and each subsequent month.

SEC. 18. EXPANSION OF AVAILABILITY OF EMPLOYMENT ASSISTANCE ALLOWANCE FOR VETERANS USING EMPLOYMENT SERVICES.

Paragraph (2) of section 3108(a) is amended to read as follows:

"(2) In the case of a veteran with a service-connected disability who the Secretary determines has reached a point of employability and who is participating only in a program of employment services provided under section 3108a(4) of this title, the Secretary shall pay the veteran a subsistence allowance as prescribed in this section for three months while the veteran is satisfactorily pursuing such program."

SEC. 19. PROMOTING JOBS FOR VETERANS TEACHING IN RURAL AREAS.

(a) In General.—Part III is amended by adding at the end the following new chapter:

CHAPTER 44—VETERAN TEACHERS

"(a) Reducing Administrative Burden.—The Secretary may pay to a rural veteran teacher a monthly assistance allowance of $500.

(b) Duration.—The aggregate period for which the Secretary may pay a rural veteran teacher a monthly assistance allowance under subsection (a) may not exceed 24 months.

(c) Rural Veteran Teacher Defined.—In this section, the term ‘rural veteran teacher’ means a veteran who—

(1) is discharged from service in the Armed Forces under honorable conditions;

(2) has not been employed as a teacher prior to receiving assistance under this section;

(3) is employed to teach full-time at an accredited elementary or secondary school that is located in a rural area; and

(4) is engaged in a State-approved course leading to certification as a teacher.

(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $15,000,000 for fiscal year 2012 and each fiscal year thereafter.

SEC. 20. PROMOTING JOBS FOR VETERANS THROUGH THE ESTABLISHMENT OF AN INTERNSHIP PROGRAM.

(a) In General.—Chapter 7 is amended by adding at the end the following new section:

§ 712. Internship program

"(a) Internship Program.—From amounts available in the ‘General operating expenses’ account of the Department, the Secretary may carry out an internship program through which the Secretary shall award internships to up to 2,000 veterans each year in accordance with this section. The recipient of an internship under this section shall be employed in the Veterans Benefits Administration for the duration of the internship.

(b) Eligibility.—To be eligible to receive an internship under this section a veteran shall have completed a rehabilitation program under chapter 31 of this title. The Secretary shall establish an internship in conjunction with a rehabilitation program under this section. The Secretary shall give preference to a veteran who has completed a program of long-term education or training, as determined by the Secretary.

(c) Salary; Benefits.—(1) Each recipient of an internship under this section shall be paid at a rate determined by the Secretary, except that such rate shall be at least the maximum annual rate of basic pay payable for grade GS-5 of the General Schedule under section 5332 of title 5, United States Code, and shall not exceed the maximum annual rate of basic pay payable for grade GS-5 of such schedule. Payments under this paragraph shall be derived from amounts available in the ‘General operating expenses’ account of the Department.

"(2) Each such recipient shall be entitled to leave on the same basis as employees of the Department to which a veteran was entitled on the date of enactment of this Act, except that such recipient may not be reimbursed for any unused leave at the end of the internship.

"(3) The Secretary shall furnish hospital care, medical services, and nursing home care to each recipient of an internship under this section on the same basis as a veteran described in subsection (b) of paragraph (2) of subsection (a) of section 1710 of this title unless the recipient is eligible for such care and services under subparagraph (A) of such paragraph or under paragraph (1) of such subsection.

"(4) The recipient of an internship under this section shall be entitled to receive assistance under subsection (a) of section 3108 of this title if such recipient is entitled to such an allowance under such subsection.

"(b) Outreach.—(1) The Secretary shall notify each participant in a rehabilitation program under chapter 31 of this title of the availability of the internship program under this section.

"(2) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the third sentence the following new sentence: ‘‘For purposes of the entitlement to educational assistance of the veteran or person receiving an advance payment under this subsection, the advance payment shall be charged against the final month of the entitlement of the person or veteran and, if necessary, the penultimate such month. In no event may any veteran or person receive more than one advance payment under this subsection during any academic year.’’."

SEC. 16. MODIFICATION OF ADVANCE PAYMENT OF INITIAL EDUCATIONAL ASSISTANCE OR SUBSISTENCE ALLOWANCE.

(a) Modification.—Section 3680(d)(2) is amended by inserting after the third sentence the following new sentence: ‘‘For purposes of the entitlement to educational assistance of the veteran or person receiving an advance payment under this subsection, the advance payment shall be charged against the final month of the entitlement of the person or veteran and, if necessary, the penultimate such month. In no event may any veteran or person receive more than one advance payment under this subsection during any academic year.’’.

(b) Effective Date.—The amendment made by subsection (a) shall apply with respect to an advance payment of educational assistance made on or after January 1, 2011.

SEC. 17. INCREASE IN AMOUNT OF SUBSISTENCE ALLOWANCE PAYABLE TO VETERANS PARTICIPATING IN VOCATIONAL REHABILITATION PROGRAM.

(a) Increase in Subsistence Allowance.—Section 3108(b)(1) is amended by striking the table and inserting the following new table:

<table>
<thead>
<tr>
<th>Type of program</th>
<th>No dependents</th>
<th>One dependent</th>
<th>Two dependents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full-time</td>
<td>$855.87</td>
<td>$726.72</td>
<td>$586.39</td>
</tr>
<tr>
<td>Three-quarter time</td>
<td>$440.21</td>
<td>$545.83</td>
<td>$640.27</td>
</tr>
<tr>
<td>Half-time</td>
<td>$294.55</td>
<td>$364.94</td>
<td>$458.98</td>
</tr>
</tbody>
</table>

The amount in column IV, plus the following for each dependent in excess of two:

"More than two dependents $62.42 $48.00 $32.09."
amended by inserting after the item relating to section 711 the following new item: 

“712. Internship program.”

SEC. 21. VETERANS ENTREPRENEURIAL DEVELOPMENT SUMMIT.

(a) In General.—Subchapter II of chapter 81 is amended by adding at the end the following new section:

“§ 8129. Veterans entrepreneurial development summit.—The Secretary may hold an event, once every year, to provide networking opportunities, outreach, education, training, and support to small business concerns owned and controlled by veterans, veterans service organizations, and other entities as determined appropriate by the Secretary.

(b) Authorization of Appropriations.—There is authorized to be appropriated to carry out this subsection $1,000,000 for each of fiscal years 2011 and 2021.”

SEC. 22. INCREASE IN THE MAXIMUM AMOUNT OF SPECIALLY ADAPTED HOUSING ASSISTANCE AUTHORIZED TO BE PROVIDED BY THE SECRETARY OF VETERANS AFFAIRS.

(a) In General.—Section 2102 is amended—

(1) in subsection (b)(2), by striking “$12,000” and inserting “$65,780”; and

(2) in subsection (d)—

(A) by adding at the end the following new subparagraphs (A) and (B):

“(A) The Secretary shall determine appropriate energy efficiency audits and the conditions of the effects of an improvement made to a dwelling for purposes of section 3710(d) of title 38, United States Code, as amended by this Act.

(B) The Secretary shall determine appropriate energy efficiency improvements for purposes of section 3710(d) of title 38, United States Code, as amended by this Act.

(b) Effective Date.—The amendments made by subsections (a) and (b) shall apply—

(1) in the case of an improvement made before the date of the enactment of this Act, to any dwelling owned and occupied by a veteran on or after January 1, 2011.

(2) in the case of an improvement made on or after the date of the enactment of this Act, to any dwelling owned and occupied by a veteran on or after January 1, 2011 for the first 25 grants made during fiscal year 2011.

SEC. 23. DEPARTMENT OF VETERANS AFFAIRS HOUSING LOANS FOR CONSTRUCTION OF ENERGY EFFICIENT DWELLINGS.

(a) Loans Authorized.—Section 3710(d) is amended—

(1) in paragraph (1)—

(A) by striking “The Secretary”; and

(B) by striking “and”; and

(2) in subsection (b)—

(A) by inserting “$65,780” after “$12,000”;

(B) by striking “$12,000” and inserting “$65,780”;

and

(c) Effective Date.—The amendments made by subsection (a) shall apply with respect to assistance furnished after the date of the enactment of this Act.


The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement submitted by the Director of the Congressional Budget Office under section 306 of the Budget Act of 1974 (2 U.S.C. 604).
number of areas in addition to the assistance for blinded veterans, including:

Increasing apprenticeship, on-the-job training and flight training educational benefits through the Montgomery G.I. Bill.

Extending authorization for the VA’s work-study program to veterans until 2020 and authorizing new program standards to allow these veterans to work in Congressional offices as part of their work-study.

Temporarily reducing, for the three years, the requirement for private employers to provide a wage increase for veterans participating in an approved on-the-job training program.

Reauthorizing the Veterans’ Advisory Committee on Education.

Improving the Vocational Rehabilitation and Employment program by providing reimbursement for certified child care assistance for single parents as well as increasing the subsistence allowance payable to veterans participating in VR&E by 5.2 percent.

Updating regulations for VA educational benefit programs to increase the reporting fees payable to educational institutions as well as modifying the rules for advance payment of educational assistance to prevent any break in educational benefits.

Giving the Department of Labor the authority to make grants to programs and facilities to provide temporary residences for homeless women veterans and homeless veterans with children.

Again, I wish to thank Ranking Member BOOZMAN and the rest of my colleagues on the committee for the cooperative and bipartisan spirit in which they worked to better serve our veterans through this legislation. I urge my colleagues to pass H.R. 5360, the HELP Veterans Act.

Mr. BUYER. Mr. Speaker, I rise to express my strong support for another bipartisan bill H.R. 5360, despite my deep disappointment that certain veteran-friendly small business provisions passed unanimously by the Veterans Affairs Committee have been stricken from the bill before us today. Those provisions directly would have improved opportunities for small businesses owned and controlled by service-disabled veterans.

H.R. 5360, is a bill that is a compilation of several bills reported to the Veterans Affairs Committee by the Subcommittee on Economic Opportunity under the leadership of the distinguished Chairwoman STEPHANIE HERSETH SANDLIN and I appreciate her work and that of Ranking Member BOOZMAN and Chairman FILNER for bringing this bill to the floor.

At a time when small businesses are facing a continuing shortage of credit, I am delighted to see that the bill includes section five which I introduced to reestablish the VA’s small business lending program expired in 1986. Under section five, VA would be authorized to guarantee small business loans up to $200,000 made by financial institutions. VA would also be required to contract with a financial institution experienced in this field to manage the program.

I introduced a similar provision in H.R. 2935 and H.R. 4220.

However, I am deeply disappointed that the Democrats on the Small Business Committee led by Chairwoman NADIA VELAZQUEZ once again chose to favor other small business set aside groups over service disabled veteran-owned small businesses by objecting to section 21 which I also included in this bill by amendment at the Full Committee markup. Section 21 would have merely leveled the playing field for service disabled veteran-owned small businesses when competing with other set aside groups for VA contracts by changing the word “may” to “shall” when awarding sole source contracts to service disabled veteran-owned small businesses.

The Veterans Affairs Committee unanimously passed both of these provisions in hope that an additional source of credit backed by the VA will encourage lenders to increase the amount of credit and that a level playing field is the right thing to do for small businesses owned and controlled by service disabled veterans. It is truly unfortunate that Chairwoman VELAZQUEZ and Speaker PELOSI continue their history of opposing provisions that would benefit disabled veteran-owned small business.

Mr. Speaker, it is unfortunate indeed that about 10 percent of homeless veterans are women and a significant percentage of those veterans bring children with them. So I am also pleased that the bill includes another provision which I introduced to establish a Homeless Veteran Reintegration Program for Women. This program will focus on homeless programs specially designed to serve homeless women veterans and veterans with children. A veteran, especially one with children at their side should never be homeless.

Section 13 of the bill contains a provision introduced by Mr. BOOZMAN to encourage research and development in the field of assistive technologies used to adapt the homes of severely injured veterans. This authority will make a disabled veterans’ homes just a bit more livable.

Mr. Speaker, it is no secret that our young people need positive role models. That is why the provisions I introduced as part of H.R. 4220 are an important part in this bill. Section 19 would provide a small temporary stipend to veterans who are new teachers in rural areas. Therefore, we are not only helping veterans to become teachers in rural areas, but we are also showing our next generation of America’s what it means to make a commitment to the nation.

Section 20 would also provide one-year internship jobs at VA for up to 2,000 graduates of the Vocational Rehabilitation and Employment program. These positions will provide service disabled veterans with work experience while helping VA meet the needs of their fellow veterans.

Any person who has renovated a home recently knows the cost of construction continues to climb more rapidly that the overall inflation rate. Severely disabled veteran often need their homes adapted to make them more livable. That is why Mr. BOOZMAN introduced a provision to increase in the grants made under VA’s Specially Adapted Home program. These provisions would increase the existing small grant to $13,756 and the large grant to $85,780.

Mr. Speaker, section 24 contains provisions also introduced by Mr. BOOZMAN as H.R. 4259 known as the WARMER Act. This bill updates the types and maximum values of energy efficiency loans that VA may guarantee while directing VA to standardize its appraisal process to ensure energy efficiency improvements are properly valued.

Finally, section 25 is a provision introduced by Mr. MORAN of Kansas to make it easier for severely disabled veterans to use the Temporary Residence Adaptation or TRA grant. TRA grants make small grants up to $12,000 available to adapt the homes of family members with whom a severely injured veteran is living. Normally, TRA grants are deducted from the veterans overall grant, thus reducing subsequent grants. The provision would allow VA to issue up to 25 grants in Fiscal Year 2011 without reducing the veterans total award. This will help determine whether disabled veterans would be more likely to use the TRA grant.

Mr. Speaker, I want to ensure the Members of my support for this excellent bill despite the removal of several provisions that would benefit veteran-owned small businesses at this critical time and urge my colleagues to support H.R. 5360.

Mr. HASTINGS of Washington. I yield back the balance of my time.

Mr. FILNER. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 5360, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed. The Title was amended so as to read: ‘‘A bill to amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs, and for other purposes.’’

A motion to reconsider was laid on the table.

VETERANS BENEFITS AND ECONOMIC WELFARE IMPROVEMENT ACT OF 2010

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6132) to amend title 38, United States Code, to establish a transition program for new veterans, to improve the disability claim system, and for other purposes, as amended.

The Clerk read the title of the bill. The text of the bill is as follows:

H.R. 6132

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Veterans Benefits and Economic Welfare Improvement Act of 2010”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Military transition program.
Sec. 3. Waiver of claim development period for claims under laws administered by Secretary of Veterans Affairs.
Sec. 4. Tolling of timing of review for appeals of final decisions of Board of Veterans’ Appeals.
Sec. 5. Exclusion of certain amounts from determination of annual income with respect to pensions for veterans and surviving spouses and children of veterans.
"(ii) such payments may only be made during the first 12 months of such veteran's participation in the program.

(B) In the case of a veteran participating in the program on a part-time basis, the Assistant Secretary of Labor for Veterans' Employment and Training may extend the number of months of payments under subparagraph (A) by adjusting the amount of such payments, but the aggregate amount paid with respect to such veteran may not exceed $20,000 and the maximum number of months of such payments may not exceed 24 months.

"(d) Payments under this subsection shall be made on a quarterly basis.

"(D) The term 'fully developed claim' means a claim—

(1) for which the claimant—

(A) has good cause for filing a veterans service officer, a State or county veterans service organization, an agent, or an attorney;

(B) expeditious treatment to such claim.

"(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to a final decision of the Board of Veterans' Appeals that was issued on or after the date of enactment of this Act.
SEC. 5. EXCLUSION OF CERTAIN AMOUNTS FROM DETERMINATION OF ANNUAL INCOME WITH RESPECT TO VETERANS AFFAIRS AND SUBVENCION SPOUSES AND CHILDREN OF VETERANS.

(a) CERTAIN AMOUNTS PAID FOR REIMBURSEMENTS AND FOR PAIN AND SUFFERING.—Paragraph (5) of section 1503(a) of title 38, United States Code, is amended to read as follows:

"(5) payments regarding—

(A) reimbursements of any kind (including insurance settlement payments) for—

(i) expenses related to the repayment, replacement, or repair of equipment, vehicles, items, money, or property resulting from—

(I) any accident (as defined in regulations which the Secretary shall prescribe), but the amount excluded under this subparagraph shall not exceed the greater of the fair market value or reasonable replacement value of the equipment or vehicle involved at the time immediately preceding the accident;

(II) any theft or loss (as defined in regulations which the Secretary shall prescribe), but the amount excluded under this subparagraph shall not exceed the greater of the fair market value or reasonable replacement value of the item or the amount of the money (including legal tender of the United States, any State or of a foreign country) involved at the time immediately preceding the theft or loss; or

(iii) any casualty loss (as defined in regulations which the Secretary shall prescribe), but the amount excluded under this subparagraph shall not exceed the greater of the fair market value or reasonable replacement value of the property involved at the time immediately preceding the casualty loss; and

(B) medical expenses resulting from any accident, theft, loss, or casualty loss (as defined in regulations which the Secretary shall prescribe), but the amount excluded under this clause shall not exceed the costs of medical care provided to the victim of the accident, theft, loss, or casualty loss; and

(B) pain and suffering (including insurance settlement payments and general damages awarded by a court) related to an accident, theft, loss, or casualty loss (as defined in regulations which the Secretary shall prescribe), but the amount excluded under this clause shall not exceed the costs of medical care provided to the victim of the accident, theft, loss, or casualty loss; and

(C) effective date.—The amendments made by subsection (a) and (b) shall apply with respect to determinations of income for calendar years beginning after October 1, 2011.

SEC. 6. EXTENSION OF AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO OBTAIN CERTAIN INCOME INFORMATION FROM OTHER AGENCIES.

Section 5317 of title 38, United States Code, is amended by striking "September 30, 2011" and inserting "September 30, 2013".

SEC. 7. VETSTAR AWARD PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Veterans Affairs shall establish an award program, to be known as the "VetStar Award Program," to recognize businesses for their contributions to veterans' employment.

(b) ADMINISTRATION.—The Secretary shall establish a process for the administration of the award program, including criteria for—

(1) categories and sectors of businesses eligible for recognition each year; and

(2) objective measures to be used in selecting businesses to receive the award.

(c) EFFECTIVE DATE.—This section takes effect September 30, 2011.
is the Veterans Benefits and Economic Welfare Improvement Act of 2010. It is a bipartisan, omnibus veterans benefits bill that includes many provisions that help veterans and their families.

H.R. 6132 will assist transitioning service members by creating a new program through the Veterans Employment and Training Service to assist unemployed veterans who are not eligible for other VA education programs by creating a new on-the-job training and apprenticeship program.

The bill also codifies programs that the VA is currently using to transform its disability claims processing system and provide veterans the right to equitable tolling when a claim reaches the Board of Veterans’ Claims.

The bill would assist pensioners by excluding the repayment of medical expenses or medical insurance awards or settlements from the veteran’s annual income when determining their pension amount.

I am also pleased and also appreciate the chairman’s supporting of the provision by the ranking member, Henry Brown of the Subcommitte on Economic Opportunity was also successful at the full committee markup of this bill in adding a provision that would have protected the veteran’s Second Amendment right to bear arms. His amendment would have prevented veterans from losing this right without a judicial decision or due process. The amendment was agreed to by voice vote.

The provision was supported by the American Legion, AMVETS, the Veterans of Foreign Wars, the National Alliance on Mental Illness, the NRA, and the Gun Owners of America. Chairman of the Subcommittee on Economic Opportunity was also successful at the full committee markup of this bill in adding a provision that would have provided a new program through the VA to assist such veterans in putting together a regular disability claim to prevent unsatisfactory decisions and unnecessary appeals.

Finally, The RAPID Claims Act ensures that veterans receive an appeals form at the same time as the decision on their disability claim. This will help veterans properly vetted through all jurisdictions and provide veterans the right to equitable tolling when a claim reaches the Board of Veterans’ Claims.

The bill incorporates language from H.R. 5549, the Rating and Processing Individuals’ Disability Claims (RAPID) Act, which I have cosponsored. I thank Chairman Filner for including this language in H.R. 6132 and I thank the chairman’s supporting of the provision, which adds more accountability and transparency to the process by which the Secretary of Veterans’ Affairs (VA) reviews veterans’ disability claims.

In addition to the language on disability claims, H.R. 6132 also directs the Secretary of Veterans Affairs and the Assistant Secretary of Labor for Veterans’ Employment and Training to carry out a joint training program to assist veterans in acquiring critical skills that are in demand. I urge my colleagues to support and pass the Veterans Benefits and Economic Welfare Improvement Act.

Mr. DONELLY of Indiana. Mr. Speaker, I rise today to speak in support of H.R. 6132, The Veterans Benefits and Economic Welfare Improvement Act. This bill combines several measures into one solid piece of legislation that Congress created in 2008, with a few improvements.

Included in this legislation is a bill I introduced to help improve the disability claims process, H.R. 5549. The RAPID Claims Act, the RAPID Claims Act codifies the already successful Fully Developed Claim pilot program that Congress created in 2008, with a few improvements.

Since veterans who participate in the Fully Developed Claims program are gathering their evidence without VA assistance, they should be able to notify VA to mark their date of disability compensation as soon as they begin to put their case together. The RAPID Claims Act ensures this date is protected.

Additionally, if VA decides that a claim submitted by a veteran for the Fully Developed Claim program is actually ineligible for that program, VA should immediately notify the veteran of what is needed to substantiate the claim to allow it to proceed efficiently through the normal disability claim process. If VA subsequently determines a claim without notifying the veteran, the result would be more inaccurately processed claims and a longer appeals backlog. The RAPID Claims Act requires VA to assist such veterans in putting together a regular disability claim to prevent unsatisfactory decisions and unnecessary appeals.

I am proud to have worked with the Iraq and Afghanistan Veterans of America and the Disabled American Veterans in crafting this legislation, as well as 60 bipartisan colleagues who supported it.

Ms. HERSHEY SANDLIN. Mr. Speaker, I urge my colleagues to support H.R. 6132, the Veterans Benefits and Economic Welfare Improvement Act of 2010, which the Veterans Affairs Committee approved with bipartisan support on September 15th.

I would like to thank Veterans Affairs Chairman Filner for his leadership in introducing H.R. 6132, as well as the support and leadership of Ranking Member Denny.

I am proud to be an original cosponsor of this legislation, which contains a number of important provisions that will directly improve the lives of veterans and the services available to those veterans and their families. Included among these provisions are four bills that I originally introduced. All four of these bills—H.R. 1078, H.R. 1089, H.R. 2461, and H.R. 1037—have previously passed the House, and I am pleased they have been included in this legislation.

H.R. 1039, the Veterans Employment Rights Realignment Act, originally passed the House without opposition by a vote of 423 to 0 on May 19, 2009. The provisions before us today create a three-year demonstration project to move the enforcement of the Uniformed Services Employment and Reemployment Rights Act (USERRA) protections of veterans and members of the Armed Services employed by Federal executive agencies to the U.S. Office of Special Counsel (OSC). Under a previous demonstration project established by Public Law 108–454, OSC investigated some federal sector USERRA claims from 2004 to 2007. This demonstration project showed that the OSC had the expertise and ability to quickly obtain corrective action for employed veterans, and that success warranted a further continuation of this study. H.R. 1088, the Mandatory Veteran Specialist Training Act, originally passed the House by voice vote on May 19, 2009. The provisions before us today take an important step toward providing better employment assistance to those who have bravely served their country.

These provisions reduce from 3 to 18 months the period during which Disabled Veterans’ Outreach Program (DVOP) specialists and Veterans’ Employment and Reemployment Easement (VER) with the Department of Labor (DOL) must complete the specialized veterans employment training program provided by the National Veterans’ Training Institute (NVTI). Through several Economic Opportunity Subcommittee hearings I chaired during the 110th Congress, I learned it was taking, on average, 2.5 years before DOL veterans employment specialists were completing the NVTI program. This leaves untrained specialists who don’t have the necessary skills trying to help veterans with their employment needs, and this bill helps correct that situation.

H.R. 2461, the Veterans Small Business Verification Act, passed the House as part of
H.R. 3949 with overwhelming bipartisan support on November 3, 2009. The provisions before us today clarify the responsibility of the Secretary of Veterans Affairs to verify the veteran status of owners of small businesses listed in the VetBiz Vendor Information Pages database. Furthermore, it requires that the VA notify banks if a veteran has already listed in the database of the need to verify their status.

The Economic Opportunity Subcommittee learned through hearings, and meetings with VA staff and the veterans community that the database contained firms that didn’t qualify because the veteran was not listed. Since firms registered in the database can qualify to receive set-aside or sole-source awards, this new legislation will help ensure our veterans are afforded the small business opportunities they are due.

H.R. 1037, the Pilot College Work Study Programs for Veterans Act of 2009, originally passed the House on July 14, 2009 without opposition by a vote of 422 to 0. The provisions before us today improve the educational benefits available to our country’s veterans by expanding work-study related activities available to veterans receiving educational benefits through the VA.

Currently, eligible student veterans enrolled in college degree programs, vocational programs or professional programs are eligible to participate in work-study allowance programs. However, they are limited to positions involving VA related work, such as processing VA paperwork, performing outreach services, and assisting staff at medical facilities or the offices of the National Cemetery Administration.

This legislation both reauthorizes the work-study program for 3 additional years and expands the list of qualifying work-study activities to include positions with State veterans agencies, Centers for Excellence for Veterans Student Success and other veterans-related positions at institutions of higher learning.

Given the wide variety of tasks our men and women in uniform perform while serving their country, our Nation should be capitalizing on the unique training and skill sets that veterans who are pursuing higher degrees bring to their educational institutions.

In conclusion, H.R. 6132 takes a number of important steps toward helping veterans who have bravely served their country. I urge my colleagues to support H.R. 6132.

Mr. HASTINGS of Florida. Mr. Speaker, I rise in strong support of H.R. 6132, the Veterans Benefits and Economic Welfare Improvement Act of 2010. This important legislation extends much-needed improvements to benefits and services for our Nation’s veterans, who deserve the best we can offer. This legislation makes a number of critical corrections and updates to streamline services, expedite benefits, and ensure that veterans can take advantage of educational and vocational training opportunities to develop skills relevant to today’s job market.

I am extremely pleased that the underlying legislation includes my bill, H.R. 4541, the Veterans Pensions Protection Act of 2010. This legislation protects veterans from losing their pension benefits because they received payments to cover expenses incurred after an accident for which they may have been compensated.

Under current law, if a veteran is seriously injured in an accident or is the victim of a theft and receives insurance compensation, he or she may lose their pension if the money exceeds the income limit set by the VA. This means that the law effectively punishes veterans when they suffer from such an accident or theft.

Such a tragedy happened to one of my constituents, a Navy veteran with muscular dystrophy who was hit by a truck while crossing the street in his wheelchair. His pension was abruptly cut off after he received an insurance settlement payment to cover medical expenses for himself and his service dog, and material expenses to replace his wheelchair. As a result, he could not cover his daily expenses and mortgage payments and almost lost his home. This is unacceptable.

The Veterans Pensions Protection Act exempts the reimbursement of expenses related to accidents, theft, loss or casualty loss from being included into the determination of a veteran’s income.

I want to thank Chairman BOB FILNER as well as Subcommittee Chairman JOHN HALL and Ranking Member DOUG LAMBORN for their support on this issue.

Mr. Speaker, at a time when our Nation’s service men and women are fighting two wars abroad and engaged in action in other parts of the world, we have a duty to our past, present, and future veterans to provide the very best in health care, job training, housing assistance, educational opportunities, and other services and benefits. We owe our veterans an enormous debt, and cannot thank them enough for their service. I urge my colleagues to give their unanimous support to this legislation.

Mr. BUYER. I yield back the balance of my time.

Mr. FILNER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 6132, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

REQUIRE HYPERLINK TO VETSUCCESS WEBSITE

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3685) to require the Secretary of Veterans Affairs to include on the main page of the Internet website of the Department of Veterans Affairs a hyperlink to the VetSuccess Internet website and to publicize such Internet website.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3685

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROMOTION OF THE VETSUCCESS INTERNET WEBSITE.

(a) Inclusion of Hyperlink.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall include on the main page of the Internet website of the Department of Veterans Affairs a new hyperlink with a drop-down menu entitled ‘‘Veterans Employment’’. The drop-down menu shall include a direct hyperlink to the VetSuccess Internet website, the USA Jobs Internet website, the Job Central website, and any other appropriate employment Internet websites, as determined by the Secretary of Veterans Affairs.

(b) Advertisement of Internet Website.—Subject to the availability of appropriations for such purpose, the Secretary of Veterans Affairs shall, in accordance with section 532 of title 38, United States Code, purchase advertising in national media outlets and in the purposes of promoting the uniqueness of the VetSuccess Internet website to veterans.

(c) Outreach to Veterans of Operation Iraqi Freedom and Operation Enduring Freedom.—The Secretary of Veterans Affairs shall conduct outreach to veterans of Operation Iraqi Freedom and Operation Enduring Freedom to inform such veterans of the VetSuccess Internet website.

(d) VetsSuccess Internet Website Definitions.—In this section, the term ‘VetSuccess Internet website’ means www.vetsuccess.gov or any successor Internet website maintained by the Department of Veterans Affairs.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank Congressman CLIFF STEARNS of Florida for introducing this bill, which seeks to include an important link to the VetSuccess program on the homepage of the Department of Veterans Affairs’ Web site. Like the other two bills before us today, it helps those veterans seeking employment.

I reserve the balance of my time.

Mr. BUYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3685, which was introduced by my good friend, the deputy ranking member of the House Committee on Veterans Affairs, CLIFF STEARNS of Florida.

This bill would make it easier to find employment opportunities in their area and promote the VetSuccess Web site.

I yield such time as he may consume to the gentleman from Florida (Mr. STEARNS) to discuss his legislation.

Mr. STEARNS. Mr. Speaker, I thank the distinguished ranking member, and I also thank Chairman FILNER for allowing this bill to come to the floor.

My colleagues, today unemployment continues to be record high, particularly in my congressional district. In
my hometown, it is 14.5 percent, and the unemployment rate in the veterans community is even higher. It is higher than I think many of us can ever remember.

So my bill, H.R. 3685, would simply require the Department of Veterans Affairs to have a drop-down menu entitled “Veterans Employment” on its home page. This drop menu would have links to VetSuccess, USA Jobs, Job Central and other appropriate employment sites. It would also require the Secretary of VA to advertise and promote the VetSuccess Web site and require direct outreach to veterans of Operation Iraqi Freedom and Operation Enduring Freedom.

This bill comes out of many discussions I have had with the VA over the past couple of years. And while the VA has addressed some of my concerns, they continue to miss what I believe is the underlying reason for the bill—consumer service and usability.

The VA should have a clear link that will take veterans to a listing of jobs based simply on zip code. Today, if you’re a veteran and you’re looking for a job, whether it is in the private sector or within the United States Government, it can be a daunting task. The VA should not make it harder to use their job searching services to help find a job, but make it easier.

For example, when you go to the VA home page under quick links, under “Federal Veterans,” this is close to what I want, but private sector jobs are not listed since it only lists Federal jobs and completely omits private sector jobs. To find private sector jobs on this site, you have to click on the Veteran Service drop-down menu and navigate the possible links and somehow know that VetSuccess is the proper link while you’re doing all these 28 links. There’s no simple link for Veteran Employment or Veteran Jobs. In stead, you need to know that the VetSuccess program is what you’re looking for.

If you’re unfamiliar with veterans programs, you may not know that VetSuccess is the web portal for private sector jobs. The title, VetSuccess, isn’t even clear in this title. VetSuccess might be the link for successful navigation of the Veterans Affairs bureaucracy. The title should clearly mention jobs or employment to make it easier for veterans.

Then, my colleagues, once you get to the VetSuccess web page, you must register to look up jobs. You can’t just type in your zip code and get a list of jobs. My office had to fill out an excessively long form and then monitor our spam filter to catch the authentication e-mail verifying that we signed up and then we waited for a follow up e-mail to get our password to finally access the VetSuccess job portal.

This is too high a hurdle for something so simple as a job listing for veterans. You should be able to simply go to this site, type your zip code in, and simply get a list of the job listings. When I was finally able to type in my zip code and found jobs in my hometown of Ocala, Florida, I got a list of about 60 jobs, mostly menial jobs driving as a change at these jobs. But when I went to Monster.com, the private side, I don’t need to register to do a quick lookup for the 240 jobs that were listed within 20 miles of my hometown. VetSuccess needs to be more like Monster: immediate access to job listings by zip code without hiding behind vague titles and a crowded drop menu with excessive registration requirement.

The purpose of my bill, my colleagues, is to get the VA thinking about how they should properly address the need for veterans, provide good customer service, and lower the barriers to get this information. This type of employment information should be easily accessible in plain language on the VA’s home page and the VetSuccess program should provide these job listings without making veterans jump through so many hoops.

So, with that in mind, Mr. Buyer, I want to thank you and thank Mr. Frizer, the chair, for allowing this bill to come forward. I hope my colleagues will vote in the affirmative.

Today, unemployment continues to be a record high. In the state of Florida the unemployment rate is over 10 percent. In my hometown of Ocala, it is over 14 percent. It can be a daunting task finding a job for a civilian. It can be even harder to find a job if you are a Guard or Reservist returning from deployment or a veteran just exiting the service. The unemployment rate in the veteran’s community is higher than at any time that I remember.

The VA has created a job portal to help veterans develop their resume and hunt for jobs. Unfortunately, like many government run programs, they built a program without thinking about the needs of veterans.

My bill, HR 3685, would require that the Department of Veterans Affairs would have a drop-down menu titled “Veterans Employment” on its homepage. This drop menu would have links to VetSuccess, USA Jobs, Job Central and other appropriate employment websites. It would also require the Secretary of VA to advertise and promote the VetSuccess website and require direct outreach to veterans of Operation Iraqi Freedom and Operation Enduring Freedom.

This bill comes out of discussions I had with the VA over the past couple of years and while the VA has addressed some of my concerns, they continue to miss the underlying reason for my bill: customer service and usability. The VA should have a clear link that will take veterans to a listing of jobs based on zip code.

Today, if you are a veteran and are looking for a job, whether it is in the private sector or within the government, it can be a difficult task. The VA should not make it harder to use their resources to find a job.

For example, when you go to the VA homepage under quick links there is “Federal Jobs for Veterans.” This is close to what I want, but private sector jobs are not listed since it only lists federal jobs. To find private sector jobs, you have to click on the Veteran Service dropdown menu and navigate 28 possible links and somehow know that VetSuccess is the proper link.

There is no simple link for Veteran Employment or Veteran Jobs. Instead you need to know that VetSuccess is the web portal for private sector jobs. The title, VetSuccess, isn’t clear. VetSuccess might be the link for successful navigation of the VA bureaucracy. The title should clearly mention jobs or employment.

Then, once you get to the VetSuccess webpage you must register to look up jobs. You can’t just type in your zip code and get a list of jobs. My office had to fill out an excessively long form, and then monitor our spam filter to catch the authentication e-mail verifying that we signed up and then we waited for a follow up e-mail to get our password to finally access the VetSuccess job portal.

This is too high a hurdle for something so simple as a job listing for veterans. You should be able to go to this site, type your zip code and get the job listings. When I was finally able to type in my zip code and found jobs in my hometown of Ocala, I got a list of 64 jobs, mostly menial, Driving and Lawncare jobs.

When I go to Monster.com, I don’t need to register to do a quick lookup for the 237 jobs listed within 20 miles of Ocala. VetSuccess needs to be more like Monster: immediate access to job listings by zip code without hiding behind vague titles in a crowded drop menu with excessive registration requirements.

The purpose of my bill is to get the VA thinking about how they should properly address the needs of Veterans, provide good customer service and lower the barriers to information. This type of employment information should be easily accessible in plain language on the VA’s homepage and the VetSuccess program should provide these job listings without making veterans jump through many hoops.

A March 13, 2010 Washington Post article stated that 21.1 percent of veterans age 18–24 are unemployed in this nation. These numbers are far above the standard unemployment rate for the nation or for individuals of similar ages. Many of these veterans are members of the National Guard and reserves who have deployed multiple times. In 2008, the unemployment rate among veterans in that age group was 14 percent, lower than today’s veteran unemployment but still above the national average.

According to the Bureau of Labor & Statistics March 2010 report, the average unemployment rate for veterans over all eras is 8.1 percent. The unemployment rate for all veterans in 2009 was 10.2 percent.
PROVIDING HONORARY TITLE FOR ARMY RESERVISTS

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3787) to amend title 38, United States Code, to deem certain service in the reserve components as active service for purposes of laws administered by the Secretary of Veterans Affairs, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3787

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROVISION OF STATUS UNDER LAW TO BEAMEND CERTAIN MEMBERS OF THE RESERVE COMPONENTS AS VETERANS.

(a) In General.—Chapter 1 of title 38, United States Code, is amended by inserting after section 107 the following new section:

"107A. Honoring as veterans certain persons who performed service in the reserve components."

"Any person who is entitled under chapter 1223 of title 10 to retired pay for nonregular service or, but for age, would be entitled under such chapter to retired pay for nonregular service shall be honored as a veteran but shall not be entitled to any benefit by reason of this section."

(b) Clerical Amendment.—The table of sections of the beginning of such chapter is amended by inserting after the item relating to section 107 the following new item:

"107A. Honoring as veterans certain persons who performed service in the reserve components."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from California (Mr. BUYER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3787, as amended.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The motion to reconsider was laid on the table.

CHANGING CERTIFICATION REQUIREMENTS FOR VA COUNSELORS

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5630) to amend title 38, United States Code, to provide for qualifications for vocational rehabilitation
counselors and vocational rehabilitation employment coordinators employed by the Department of Veterans Affairs.

The Clerk read the title of the bill.

The text of the bill is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. QUALIFICATIONS FOR VOCATIONAL REHABILITATION COUNSELORS AND VOCATIONAL REHABILITATION EMPLOYMENT COORDINATORS EMPLOYED BY THE DEPARTMENT OF VETERANS AFFAIRS. (a) In General.—Chapter 31 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 3123. Qualifications for vocational rehabilitation counselors and vocational rehabilitation employment coordinators

"(a) Vocational Rehabilitation Counselors.—Each individual employed by the Department as a vocational rehabilitation counselor shall—

"(1) have completed a masters degree in vocational rehabilitation counseling before being so employed;

"(2) by not later than five years after the individual is first so employed, obtain certification by an accredited certifying body recognized by the National Commission for Certifying Agencies; and

"(3) as a condition of continued employment, maintain such certification.

"(b) Vocational Rehabilitation Employment Coordinators.—Each individual employed by the Department as a vocational rehabilitation employment coordinator shall—

"(1) have completed a bachelors degree in the relevant field, as designated by the Secretary, before being so employed;

"(2) by not later than five years after the individual is first so employed, obtain certification by an accredited certifying body recognized by the National Commission for Certifying Agencies; and

"(3) as a condition of continued employment, maintain such certification.

"(c) Remediation Plan.—If an individual employed by the Department as a vocational rehabilitation counselor or a vocational rehabilitation employment coordinator fails to meet the requirements of paragraphs (1) and (2) of subsection (a) or (b), the Director of the Vocational Rehabilitation and Employment Service shall develop a remediation plan for such individual. If the individual fails to complete the remediation plan, such failure shall be cause for termination.

"(d) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"3123. Qualifications for vocational rehabilitation counselors and vocational rehabilitation employment coordinators.

"(e) Applicability.—(1) Date Amended After Date of enactment.—Section 3123 of title 38, United States Code, as added by subsection (a), shall apply with respect to an individual hired by the Department before the date of the enactment of this Act.

"(2) Individuals Hired Before Date of enactment.—In the case of an individual hired as a vocational rehabilitation counselor or a vocational rehabilitation employment coordinator by the Department of Veterans Affairs before the date of the enactment of this Act, such individual is required to have the qualifications described in section 3123 of title 38, United States Code, as added by subsection (a), for the position held by the individual by not later than five years after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Indiana (Mr. BUYER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members of the House have five legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 5630.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. I yield myself such time as I may consume.

Mr. Speaker, I would like to commend the gentleman from Arkansas, Representative BOOZMAN, for introducing this bill, which seeks to set minimum educational and training standards for certain employees of the Vocational Rehabilitation and Employment program operated by the Department of Veterans Affairs. The bill, of course, helps veterans while they set their employment goals. I reserve the balance of my time.

Mr. BUYER. I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 5630, a bill which would set certain requirements for professional level jobs at the Department of Veterans Affairs' Vocational Rehabilitation and Employment program.

In 2009, the Government Accountability Office reported that one-third of the VA's regional offices reported that their VA staffs did not have the skills needed to properly serve the disabled veterans who come to them for help. By hiring or training counselors at a master's degree, the VA will be better equipped to provide professional level services.

In addition, the bill is designed to ensure that disabled veterans who come to the VA for help in finding employment will be assisted by counselors who have the skills needed to properly serve them.

To ensure that the VA rehabilitation counselors are the best qualified in their field, H.R. 5630 would set a minimum hiring standard at a master's degree and would require counselors to obtain national certification within 5 years of hiring and to maintain these qualifications.

Employment coordinators would be required to have a relevant bachelor's degree, to obtain certification within 5 years, and to maintain these qualifications. Counselors and coordinators who fail to comply with these standards will be subject to termination.

Mr. Speaker, these are commonsense provisions which are designed to ensure that our disabled veterans are receiving the best vocational rehabilitation and employment services possible.

I urge my colleagues to support H.R. 5630, and I yield back the balance of my time.

Mr. FILNER. I yield back the balance of my time.

The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 5630.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SECURING AMERICA'S VETERANS INSURANCE NEEDS AND GOALS ACT OF 2010

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5993) to amend title 38, United States Code, to ensure that beneficiaries of Servicemembers' Group Life Insurance receive financial counseling and disclosure information regarding life insurance payments, and for other purposes. As amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5993

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE. This Act may be cited as the "Securing America's Veterans Insurance Needs and Goals Act of 2010" or the "SAVINGS Act of 2010".

SEC. 2. FINANCIAL COUNSELING AND DISCLOSURE INFORMATION FOR SERVICEMEMBERS' GROUP LIFE INSURANCE BENEFICIARIES.

(a) Financial Counseling and Disclosure Information. (1) In General.—Section 1966 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(a) Financial Counseling and Disclosure Information. (1)nesia of Servicemembers' Group Life Insurance beneficiaries under this section, a life insurance company shall—

"(A) make available, both orally and in writing, financial counseling to a beneficiary or other person otherwise entitled to payment upon the establishment of a valid claim under section 1970(a) of this title, and

"(B) at the time that such beneficiary or other person entitled to payment establishes a valid claim under section 1970(a) of this title, provide to such beneficiary or other person the disclosures described in paragraph (2).

"(2) The disclosures provided pursuant to paragraph (1)(B) shall—

"(A) be provided both orally and in writing;

"(B) include information with respect to the payment of the claim, including—

"(I) an explanation of the methods available to receive such payment, including—

"(i) receipt of a lump-sum payment;

"(ii) allowing the insurance company to maintain the lump-sum payment;

"(III) receipt of thirty-six equal monthly installments; and

"(IV) any alternative methods; and

"(ii) an explanation that any such payment that is maintained by the life insurance company or paid in thirty-six equal monthly installments by the company is not insured by the Federal Deposit Insurance Corporation;
This bill was sponsored by one of our esteemed colleagues, Representative Debbie Halvorson of Illinois, to ensure that beneficiaries of the Service-members’ Group Life Insurance, SGLI, receive financial counseling, greater disclosure information, and other needs they may have. The legislation seeks to improve the product of their SGLI life insurance benefits. Mrs. Halvorson acted very quickly in response to some of the publicity on this and to some of the pain felt by the survivors.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Illinois (Mrs. Halvorson).

Mrs. HALVORSON. I thank the chairman for yielding.

Mr. Speaker, I rise today on behalf of military families and the surviving family members of our men and women who were killed in battle as they fought to defend our freedom.

H.R. 5993 will help ensure that the families of our service members, and their families with low-cost life insurance under circumstances in which most insurance companies would not take the risk of providing life insurance coverage. In the tragic circumstance that a soldier is killed in action, the surviving family member is then entitled to a policy that helps ease some of the financial burdens left behind.

Currently, the beneficiary may receive the payment in the form of what is called a “Retained Asset Account,” which is administered by the insurance company. These financial products are similar to a checking account in that they allow the beneficiary the ability to draw down the funds in increments until exhausted.

Unfortunately, there have been recent media reports highlighting that some beneficiaries did not fully understand that their money was being held in these accounts. I know I was outraged, as many of my colleagues were, to hear about the lack of disclosure and transparency, and that what we are fixing today—addressing disclosure, transparency, and accountability so that our families know exactly what they have to come to them. They didn’t understand what these accounts were, what was happening to their money when it was sitting in these accounts, and, three, that accounts were not FDIC-insured. This left the beneficiaries feeling as though they were being taken advantage of and that they were part of a financial scheme buried when it was sitting in these accounts.

The surviving family members of our fallen soldiers should never feel that way. It is our responsibility to make sure that they don’t ever feel that way again. We need to make sure that 100 percent of these survivors feel protected and safe.

My bill is endorsed by the American Legion, the National Military Family Association, the Military Officers Association of America, the Gold Star Wives of America, and on and on and on. I have letters from all of them that I would like to include in the Record. However, I want to read an excerpt from the National Military Family Association.

It reads: “Dear Representative Halvorson, the National Military Family Association has long been an advocate for improving the quality of life of our military family members who have sacrificed greatly in support of our Nation. We are writing today in support of H.R. 5993, which seeks to ensure that insurance companies provide appropriate information and financial counseling to surviving receive payments from the SGLI groups.

“H.R. 5993, the Securing America’s Veterans Insurance Needs and Goals, which is called the SAVINGS Act, would introduce a mandate that the Secretary of Veterans Affairs require insurance companies providing coverage through these programs to only provide counseling and disclosure information to family members of fallen soldiers.

“The National Military Family Association is the leading nonprofit organization committed to improving the lives of military families. Our over 40 years of service and accomplishments have made us a trusted resource for families and the Nation’s leaders. As the only nonprofit organization that represents the families of the Army, Navy, Air Force, Marine Corps, Coast Guard, the Commissioned Corps of the Public Health Service, and the National Oceanic and Atmospheric Administration, the association protects benefits vital to all families, including those of the deployed, wounded, and fallen.”
is an urgent issue, and it absolutely needs to be our main focus. It is our responsibility to go above and beyond the call of duty. They sure have, and we need to protect these widows and orphans. This is one of the most important issues that we have as Members of Congress. H.R. 5993 will help us fulfill that responsibility in a reasonable and effective manner.

Before I close, I would like to thank Chairman FILNER, Chairman HALL, as well as all of our committee staff who have worked so hard to move this legislation along, and we have all worked hard on this bill.

I urge my colleagues to stand with me—protect the families of our fallen soldiers—by voting “yes” on H.R. 5993.

GOLD STAR WIVES OF AMERICA, INC.,
September 26, 2010.

Chairman Bob Filner,
Chairman Committee on Veterans’ Affairs, Cannon House Office Building,
Washington, DC,

In light of recent news that insurance companies could potentially use group life insurance policies to profit from accounts it maintains for the families of fallen soldiers, Gold Star Wives of America, Inc. supports H.R. 5993. H.R. 5993 would ensure that insurance companies authorized by VA to administer SGLI accounts are fully open and honest about its practices for these policies on which so many servicemembers rely to ensure financial security for their families.

H.R. 5993, the Securing America’s Veterans Insurance Needs and Goals (SAVINGS) Act of 2010, introduced by Representative Debbie Halvorson, commits that the Secretary of Veterans Affairs require insurance companies that provide coverage through the Servicemembers’ Group Life Insurance (SGLI) program to offer financial counseling and improved disclosure information to family members and survivors of fallen soldiers. It would also require an annual report to Congress by VA to ensure that insurance companies are being responsive to military families and survivors and that the Office of Survivor Assistance will be a greater resource to help family members understand their options so that they can make sound fiscal decisions during a stressful and sorrowful time.

Gold Star Wives of America, Inc. supports H.R. 5993 so that we can do everything in our power to protect the families and survivors of our fallen soldiers. Their loved ones have answered the call and their survivors deserve these protections.

Respectfully,

MARTHA M. DIDAMO,
Board Chair, Gold Star Wives of America, Inc.

THE AMERICAN LEGION, OFFICE OF THE NATIONAL COMMANDER,
Washington, DC, September 27, 2010.

Dear Representative Halvorson,

The American Legion supports legislation that seeks to ensure that insurance companies are open and honest about the policies on which so many military families rely.

The legislation you recently introduced, H.R. 5993, the Securing America’s Veterans Insurance Needs and Goals (SAVINGS) Act, would mandate the VA Secretary to require those insurance companies administering the Servicemembers’ Group Life Insurance program (SGLI) could potentially use group life insurance policies to obtain profits from the families of fallen soldiers. The American Legion supports proposed legislation which seeks to ensure that insurance companies are open and honest about the policies on which so many military families rely.

The legislation you recently introduced, H.R. 5993, the Securing America’s Veterans Insurance Needs and Goals (SAVINGS) Act, would mandate the VA Secretary to require those insurance companies to provide coverage through the SGLI program to provide the beneficiaries of fallen soldiers with financial counseling and disclosure information. In addition, H.R. 5993 would require the VA to provide a report to Congress annually to ensure that those insurance companies are being responsive to their families.

It is critical to ensure complete transparency, full disclosure, and increased information be afforded to military families on insurance matters. This legislation would guarantee the families of our fallen heroes have access to oral and written financial counseling. This counseling would better help family members understand their options so that they can make sound fiscal decisions during a stressful and sorrowful time.

The American Legion supports H.R. 5993 as introduced so that we can protect the military families and survivors. However, The American Legion has additional concerns not addressed in the original bill which are equally as important. This legislation does not address Retained Asset Accounts (RAA) for disbursement of benefits. This is a common practice used by many insurance companies to reinvest the money not withdrawn by the payee and to collect interest on that money. The American Legion is concerned this method of disbursement may be a violation of Title 38 USC § 1970(a) which requires payments be in 36 monthly installments or one lump sum. The practice should be either stopped or the law needs to be changed. Of further concern to The American Legion is that this legislation does not address the practice of the insurance company executing the program making a profit on the account after the death of a service member and actually misrepresenting or over representing the “interest bearing account,” benefit of the program to a payee.

It is standard policy of the insurance industry to reinvest the money not withdrawn by the payee and to collect interest on that money. The insurer then passes on to the payee a small amount of the interest. While this is a common industry practice, it should be forbidden by law in the case of military members who have given their lives for the nation. Precedence has been made in setting certain standards in the case of health care insurance and other entitlements due to military service. The American Legion feels that ALL interest received on investments after servicemember’s death should be passed on to the payee of the policy.

Sincerely,

JIMMY L. FOSTER,
National Commander,
National Military Family Association,

Dear Representative Halvorson,

On behalf of the National Military Family Association, Washington, DC, I represent the families of the Army, Navy, Air Force, Marine Corps, Coast Guard, and the Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration. We are writing today in support of H.R. 5993 which seeks to ensure that insurance companies provide appropriate information and financial counseling to survivors who receive payments from the Servicemembers’ Group Life Insurance (SGLI).

H.R. 5993, the Securing America’s Veterans Insurance Needs and Goals (SAVINGS) Act, which you have introduced, would mandate that the Secretary of Veterans’ Affairs (VA) require insurance companies providing coverage through the SGLI program to provide financial counseling and disclosure information to family members of fallen soldiers. It would also require the VA to mandate the VA to make certain insurance companies are being responsive to military families.

It is critical that these insurance policies provide more transparency, more disclosure, and more information for military families. H.R. 5993 does that by guaranteeing the families of our fallen heroes access to oral and written financial counseling which will assist family members in understanding their options so that they can make sound fiscal decisions during a most stressful time.

Thank you again for your support of our service members, retirees, veterans, their families, and survivors. Our contact, should you have any questions, is Kathleen Moakler, Government Relations Director, at (202) 783-6632.

The National Military Family Association is the leading non-profit organization committed to improving the lives of military families. Our over 40 years of service and accomplishments have made us a trusted resource for families and the Nation’s leaders. As the only non-profit organization that represents the families of the Army, Navy, Air Force, Marine Corps, Coast Guard, and the Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration, The Association protects benefits vital to all families, including those of the deployed, wounded, and fallen.

Sincerely,

MARY SCOTT,
Chairman, Board of Governors.

Mr. Filner. Mr. Speaker, at this time, I guess I thank the gentlelady. Within a day of the publicity that surrounded Prudential apparently not giving sufficient information, you had this bill. You moved very quickly and very decisively, and it is going to help all of the survivors and their families. Thank you so much for your quick action.

I reserve the balance of my time.

Mr. Buyer. Mr. Speaker, I rise in opposition, opposition to this bill.

For that very moment, the chairman compliments the gentlelady for having legislation immediately upon a concern. It is so much like an American. We don’t even have the patience to figure out where the problem is before but let me tell you about our solution.

Now, what we’re supposed to do around this place is do a little homework, do a little investigation, find out what’s going on, have the distillation of the facts, find out what the facts are in that instance, and let’s run out there and act like we are “doing something” when we don’t even know what the heck we’re doing. It’s the reason the American people get upset with us and they get upset with this institution; sarcastically now. When you get so close to an election, you have to protect and guard yourself against politics over substance.
This bill, by forcing it onto the floor at this moment in time, is exactly that. This bill condones a controversial practice the VA called retained asset, or alliance accounts, for paying Servicemembers’ Group Life Insurance, SGLI, proceeds to the families of deceased veterans. Now, we all thought that the statute was being followed. It wasn’t. Someone years ago down at the VA changed it.

In the Veterans’ Affairs Committee, we have not had adequate time to address this bill. There’s no record on which we base and form policy decision or evaluate the views of the life insurance experts. None of us had the opportunity to do that.

One of the executives from Prudential came by the office. We had a very good discussion about relevant concerns. I can address a little bit later. The use of these accounts in place of the SGLI lump sum payment called for in the Federal statute is currently the subject of a Federal fraud lawsuit in Boston by five plaintiffs against the Prudential Life Insurance Company. Prudential is the VA’s contractor managing the SGLI program and making the payments. New York’s attorney general has launched an investigation of Prudential as well.

My colleagues on the committee know next to nothing about a very complex issue, its history, the controversy surrounding it. Indeed, I could write more about it myself before having to even vote on it. I’m learning something new almost every day I deal with this issue. The issue requires careful deliberation by the committee. We should not have to base decisions on media reports in Bloomberg or The Washington Post.

Ms. FOXX. Will the gentleman yield?
Mr. BUYER. I yield to the gentlelady from North Carolina.
Ms. FOXX. Mr. Speaker, it’s my understanding that this bill has been brought to the floor in a rush without there even being any hearings in the committee.
Mr. BUYER. Reclaiming my time, when we marked up the bill in the committee, I raised very pertinent issues. I sought to work with the author of the bill. She had no interest in working out an amendment on the language. I thought what would happen is, well, I won’t offer the amendment in the committee. We’ll work this matter out as we learn more.

The chairman even spoke about this week we were to have done a hearing on this bill. We get notice on Friday, and we’re supposed to be doing a hearing on the bill this week before we bring it to the floor. But what’s happening is this body, called Congress, is in a panic.

I yield to the gentlelady.
Ms. FOXX. Well, I think again, we’re seeing that the House Democrats are proving not only that they’ve run out of ideas but they’ve run out of the will to govern. They won’t make a budget. They won’t deal with these impeding tax hikes that we’re going to have. I heard you say on the floor a few minutes ago that 40 percent of the reservists are coming back without jobs, and all our friends across the aisle seem to want to do is to get home so they can campaign. Now, instead of doing something to remove the uncertainty that’s keeping small businesses from hiring new employees, many of them veterans, many of them reservists coming back.

We’re running out of ideas about these tax hikes that are looming and provide some certainty for small businesses, and I hope you agree with that.

Mr. BUYER. Reclaiming my time, the challenge before the body is we now have legislation before us which is on an issue which is now being thrown into the courts, and we’ve got a statute that’s not being followed by the executive branch; and it is completely within the rights of Congress to speak, but what we’ve heard all day is do we understand the scope and issues at hand? I submit we do not, and we are eagerly rushing something onto the floor. Let me go a little bit further.

My colleague Mr. HALVORSON argues that this bill would exchange the existing payment authority and does not address the legality of retained asset accounts for SGLI purposes, but I’m also a lawyer, and I respectfully suggest that it may do just that. I am not alone in my concern to this concern because I have been talking with other lawyers about my legal analysis of this present challenge.

After the markup, one of the representatives of one of the veterans service organizations, of whom I’ve had disagreements with over the years, came up to me and told me that he agreed with the concerns. Members of the committee actually regret that I didn’t offer the amendment to actually strip the bill, and I guess I never thought that this would actually come to the floor until these matters got addressed.

It’s laudable to require the VA to counsel SGLI beneficiaries on their benefits, the payment methods available to them. It’s very clear in the statute, very clear already in the statute, but this bill goes a lot further and specifically requires counseling about something the bill euphemistically terms, when this sentence was written back in the mid-1960s, there as no such thing as a retained asset account.

What has changed? There is a commonly accepted business practice in America with regard to retained asset accounts. Now, in the latter part of the 1990s, the VA struck an agreement with Prudential then to adopt that business practice. But what they did is they adopted a business practice that is contradictory to the United States Code, the statute. So this bill before us is legislation to say that the VA should provide counsel to the beneficiaries about a business practice that is not even legal. That’s like saying,
Okay, in title 10, it is illegal to smoke marijuana, but in another statute Congress is going to provide counseling on the proper use of an illegal substance. And you say, Steve, that’s crazy. You are absolutely right, that’s crazy, and that’s illegal. But today is crazy. We should not be saying we’re going to provide counseling with regard to some agreement that the executive branch struck that’s in contradiction to the statute.

Now, you’ve got the VA and Prudential. Immediately they do a powwow. Oh, my gosh, we’ve got a problem. We’ve got to try to define this. The White House has made a statement. Ooh, it says “unacceptable.” We’ve got to figure it out—come together and strike an agreement.

This is Groundhog Day, Mr. Speaker. The agreement that the executive branch struck with an insurance company back in the latter part of the 1990s was not authorized for them to do because the statute says how SGLI payments are to go directly to beneficiaries. It doesn’t say you can do three or four other types of payment scheduled, you say two per them. You either give them a lump sum or you do 36 monthly installments. It’s very clear.

So this agreement is just as worthless as the agreement they struck in the 1990s when it comes to the law. I guess maybe it makes them feel better. Maybe they hope that it takes the heat off. This thing, this agreement is about politics, it is about substance and legality, and it is about public relations. But if you really want it to be about the law, then what we should do is look at the statute. Immediately they do a powwow. Ooh, it says “unacceptable.” We’ve got to try to define this. The White House has made a statement. Ooh, it says “unacceptable.” We’ve got to figure it out—come together and strike an agreement.

The entire settlement process is dignified and respectful of the individuals involved. The specific approaches that VA, working in consultation with other Agencies, has determined it will use in the near term and that VA will provide better clarity of payment options by using a new Claim Form that requires beneficiaries to substantively choose one of three clear payment options: Lump Sum Alliance Account (Retained Asset Account), Lump Sum Payment—Paid out in full via a check sent to the beneficiary, VA is exploring Electronic Funds Transfer (EFT). 36 Monthly Installments—Paid out in full via monthly installments mandated by law, sent to the beneficiary (this three year payout option has always been available to beneficiaries).

If the beneficiary does not select an option, the SGLI Program will utilize the AA. The AA provides immediate access to funds, while permitting beneficiaries the time necessary to study their options and make deliberate, responsible financial decisions.

In addition: A VA-supplied letter will be enclosed with every Q-Folio and every AA Kit that will explain in a clear and complete manner:

- That the insurance proceeds have been deposited in a savings account at rates competitive with similar types of “demand accounts” (e.g., checking, money market, etc.).
- The current interest rate and the fact that the interest rate may vary over time.
- That the beneficiary can immediately write a “check” for the entire payment or any lesser amount.
- That AA funds are retained by Prudential until paid out.
- That while AA is not FDIC insured; it is backed by Prudential and State Guaranty Associations. The National Association of Insurance Commissioners has established the following Web site for additional consumer information:

http://www.naic.org/consumer_military_insurance.htm

That free, professional independent financial counseling is available to all beneficiaries for a period of two years or as long as they have funds remaining in their AA. VA will also take the following actions:

- VA will require Prudential to conduct a follow up contact with beneficiaries whose accounts remain open after six months to confirm beneficiary understands the terms of the account.
- All SGLI/VGLI related information, including FAQ’s, Web site information, handbook, etc., will be clearly and completely explain all aspects of the AA and all options available to the beneficiary.
- VA will clearly designate the source of correspondence by removing the SGLI seal from all “checks”, forms, and correspondence and replacing it to show that it is from Prudential with the subtitle “Office of Servicemembers’ Group Life Insurance”.
- VA will identify additional opportunities to encourage beneficiaries to use the free financial counseling available to all beneficiaries.
- VA will, in coordination with DoD, improve support to Casualty Assistant Officers and Transition Assistance Program (TAP) Personnel by providing additional training and instruction.
- VA continues to carefully monitor this program and remains committed to making improvements necessary to ensure that Servicemember and Veteran beneficiaries are well-protected.
- I reserve the balance of my time.

Mr. BUYER. Mr. Speaker, I yield myself such time as I may consume.

Here is our challenge. I don’t know what about these other groups, Mr. Chairman, that you have had a chance to talk to. I just spoke to the new commander of the American Legion. I just spoke to a brand-new commander of the American Legion. There is an issue which has to do with the beneficiaries, with the survivors of those killed in action support this bill. The National Military Family Association, the Gold Star Wives, amongst others.

So this legislation is about transparency. It’s about accountability. It’s about disclosure. It’s about people understanding the process. This bill doesn’t condone anything. It just says that those grief-stricken survivors know what’s happening to them under the procedures that we have. Whether it’s a proper procedure, whether it’s based on an illegal account is something that the courts are working out and we’re investigating.

Right now everybody just wants to know what is going on and to have the insurance company, Prudential, disclose everything in advance so a decision can be made by the grief-stricken survivors. That is all we are doing in this bill, and it is needed. It is, in fact, demanded by the courts so the survivors that we act quickly to give some measure of accountability and disclosure to those beneficiaries. We need this bill, and we need it now.

I reserve the balance of my time.

Mr. BUYER. I yield myself such time as I may consume.

Here is our challenge. I don’t know what about these other groups, Mr. Chairman, that you have had a chance to talk to. I just spoke to the new commander of the American Legion. I just spoke to the brand-new commander of the American Legion.
Mr. FILNER. The gentleman stands behind Mrs. HALVORSON’s bill, and we will not withdraw it.

Mr. PRYBAUTER. No, that’s all right. Reclaiming my time, this was a very good moment for bipartisanship, to actually bring a work product to the floor that we could all agree on. And I am greatly disappointed, Bob, that you made that judgment; this is not right. This isn’t right at all.

The suspension calendar, Mr. Speaker, is supposed to be for legislation that is noncontroversial. It is supposed to be for legislation that the parties have worked out in a collegial manner, not to take something for which there is utter and complete disagreement, not to take something that there have been no hearings on, not to take an issue that it now finds itself in attorney generals’ investigations and class action lawsuits and we are just going to, like, bring it to the floor, even though we are going to pass a statute that is in complete contradiction of an existing statute. What are we doing?

I mean, this is really a time-out moment here. This is a time-out moment, Mr. Speaker. And it is very, very bothersome to me that something like this would be placed on the suspension calendar, especially when this was the week in which we were supposed to be holding hearings on it.

I know, Mr. Speaker, that you are anxious to get out of here and you want us to adjourn for an election, but don’t take legislation to the floor that is not properly prepared for the floor. And we can permit that to occur, and that is not right. It is wrong, in my book.

But you are the majority, and you have actually been able to show that you can do as you please, and the rules don’t always matter. I guess, around here.

But I want the RECORD to reflect my views on what is happening here. Also, I will file additional views with the bill and the report to explain in greater detail the legality of what I feel that we are facing, and I will do everything in my power to ensure that this bill does not become law until it is fixed.

Mr. Speaker, I yield back the balance of my time.

Mr. FILNER. Mr. Speaker, we had a little lecture on the suspension calendar, which is supposed to be items of consenus. This item was discussed and voted on by our committee. If I recall, there was no opposition of mem- ber. There were no other “no” votes. The ranking member confuses his sin- gular and personal opposition to the fact that, oh, I guess everybody dis- agrees with it. No, this came out of our committee with one “no” vote. So the gentleman just doesn’t understand what consensus means. He thinks if he alone is against it—as I recall, he was the only one in this whole body that voted against a truly interesting new way to approach financing, and that was anesthes to you.

Mr. Speaker, the gentleman gave us a lecture on suspension calendar and consensus. He was the only “no” vote. He was the only “no” vote when we had advance appropriations. Everybody else is wrong but the gentleman. This bill, as I said before, and as Mrs. HALVORSON said very distinctly and very eloquently, is about disclosure, accountability, transparency. The sur- vivors need to know what is going on. We want, as Mr. Speaker requested, and are pursuing the investiga- tion. We are pursuing whether the so- called retained asset account is the legal structure that should happen. The VA is pursuing that. And we will get to that.

But right now, right now, as men and women are dying in action, their surv- ivors need to know what is going on. We can’t wait for this process to go on and on and on and on, especially when there is a company involved.

The gentleman asked what organiza- tions support us. The American Legion has a letter supporting us. I didn’t hear any letter that the gentleman had. As Mrs. HALVORSON read, the National Military Families Association supports this bill. And the Gold Star Wives of America, the preeminent group that works for the benefit of survivors of those who are killed in action, has sent us the following letter. “In light of recent news that insurance companies could potentially use group life insur- ance policies to profit from accounts it maintains for the families of fallen soldiers, Gold Star Wives of America, Inc supports H.R. 5993. H.R. 5993 would ensure that insur- ance companies authorized by VA to admin- ister SGLI accounts are fully open and hon- est about its practices for these policies on which so many servicemembers rely to en- sure financial security for their families.

H.R. 5993, the Securing America’s Veterans Insurance Needs and Goals (SAVINGS) Act of 2010, introduced by Representative Debbie Halvorson, would mandate that the Sec- retary of Veterans Affairs require insurance companies that provide coverage through the Servicemembers’ Group Life Insurance (SGLI) program, to offer financial counseling and improved disclosure information to family members and survivors of fallen soldiers. It would also require an annual report to Con- gress by VA to ensure that insurance compa- nies are being responsive to military fami- lies and survivors and that the Office of Sur- vivors Assistance will be a greater resource in this effort.

It is critical that the options and informa- tion available for survivors offered under the SGLI program involve more disclosure and greater transparency. H.R. 5993 would do that by guaranteeing that survivors of our fall- en heroes have access to oral and written financial counseling. This greater disclosure requirements and counseling would better help survivors to under- stand their options so that they can make sound decisions during a stressful and sorrowful time.”

Gold Star Wives of America, Inc supports H.R. 5993 so that we can do everything in our power to protect the families and survivors of our fallen soldiers. Their loved ones have answered the call and their survivors deserve these protections.

Respectfully,

MARTHA M. DIDAMO,
Board Chair,
Mr. Speaker, in support of H.R. 5993, as amended, I am submitting letters of support from The American Legion, Veterans of For- eign Wars of the United States, Gold Star Wives of America, Inc., and the National Mili- tary Family Association.
The American Legion, 
Office of the National Commander, 
Washington, DC, September 27, 2010.

Hon. Debbie Halvorson, 
House of Representatives, 
Washington, DC.

Dear Representative Halvorson: In light of recent news that insurance companies contracted by the Department of Veterans Affairs and currently administered by the Servicemembers’ Group Life Insurance program (SGLI) could potentially use group life insurance policies to obtain profits from the families of fallen soldiers, The American Legion supports proposed legislation which seeks to ensure that insurance companies are open and honest about the policies on which so many military families rely.

The legislation you recently introduced, H.R. 5993, Securing America’s Veterans Insurance Needs and Goals (SAVINGS) Act, would mandate the VA to require those insurance companies offering coverage through the SGLI program to provide the beneficiaries of fallen soldiers with financial counseling and disclosure information. In addition, this Act would obligate the VA to provide such protections annually to ensure that those insurance companies are being responsive to military families.

It is critical to ensure complete transparency, full disclosure, and increased information available to military families on insurance matters. This legislation would guarantee the families of our fallen heroes have access to oral and written financial counseling. This counseling would better help family members understand their options so that they can make sound financial decisions during a stressful and sorrowful period.

The American Legion supports H.R. 5993 as introduced so that we can protect the military families of our fallen soldiers. However, The American Legion has additional concerns not addressed in the original bill which are equally important.

This legislation does not address Retained Account Information (RAI) for disbursement of benefits. This is a common practice used by many insurers for distribution of benefits. However, the American Legion is concerned that this method of disbursement may be a violation of Title 38 USC §1707(d) which requires payments be in 36 monthly installments or one lump sum, whichever the family chooses. This concern should be either stopped or the law needs to be changed. Of further concern to The American Legion is that this legislation does not address the practice of the insurance company executive making a profit on the account after the death of a service member and actually misrepresenting or over representing the “interest bearing account,” benefit of the program to a payee.

It is standard policy of the insurance industry to reinvest the money not withdrawn by the payee and to collect interest on that money. The insurer then passes on to the payee a small amount of the interest. While legal and a common industry practice, it should be forbidden by law in the case of military members who have given their lives for the Nation. Precedence has been made in setting aside veterans and military in the case of health care insurance and other entitlements due to military service. The American Legion is樂于 seeing the按键 to invest funds received on investments after servicemember’s death should be passed on to the payees of the policy.

Sincerely,

Jimmir L. Foster
National Commander L.

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,

Hon. Deborah Halvorson,
House of Representatives, 
Washington DC.

Dear Congresswoman Halvorson: On behalf of the 21.1 million members of the Veterans of Foreign Wars of the United States, I would like to offer our support for H.R. 5993, the Securing America’s Insurance Needs and Goals (SAVINGS) Act.

In light of recent disclosures that insurance companies could potentially profit from the holding of funds guaranteed to the families of fallen soldiers through the Servicemembers’ Group Life Insurance (VGLI) plan, we believe this legislation is necessary to reassure families of the fallen by ensuring insurance companies are open and honest about the policies on which so many military families rely.

H.R. 5993 would mandate that the Secretary of Veterans Affairs require that insurance companies that provide coverage through the VGLI program provide measures to ensure transparency, financial counseling and disclosure information to family members of fallen soldiers through the VGLI program. In writing and during in-person counseling sessions with trained professionals, would better help family members understand their options so that they can make sound financial decisions during a stressful and sorrowful period. It would also require an annual report to Congress by the VA to ensure that insurance companies are being responsive to military families.

Beneficiaries of the VGLI program have made tremendous sacrifices, and we must do everything in our power to protect them from any unscrupulous entities or practices that would seek to take advantage of their tragic circumstances. We look forward to working with you and your staff on this and other measures to properly care for our veterans and their families.

Sincerely,

Gerald T. Manar, 
Deputy Director, 
National Veterans Service.

Gold Star Wives of America, Inc., 
Bellevue, NE, September 26, 2010.

Chairman Filner, 
House Committee on Veterans’ Affairs, 
Washington, DC.

In light of recent news that insurance companies could potentially profit from the holding of funds guaranteed to the families of fallen soldiers, The American Legion is pleased to offer our support for H.R. 5993. H.R. 5993 would ensure that insurance companies authorized by VA to administer SGLI accounts are fully open and honest about its practices for these policies on which so many military families rely.

H.R. 5993, the Securing America’s Veterans Insurance Needs and Goals (SAVINGS) Act, of 2010, introduced by Representative Debbie Halvorson, would mandate that the Secretary of Veterans Affairs require insurance companies that provide coverage through the Servicemembers’ Group Life Insurance (SGLI) program, to offer financial counseling and improved disclosure information to family members and survivors of fallen soldiers. It would also require an annual report to Congress by VA to ensure that insurance companies are being responsive to military families.

This legislation does that by guaranteeing the families of our fallen heroes access to oral and written financial counseling. This counseling would assist family members in understanding their options so that they can make sound financial decisions during a stressful and sorrowful period.

Thank you again for your support of our service members, retirees, veterans, their families and survivors. Our contact, should you have any questions, is Kathleen Moakler, Government Relations Director.

The National Military Family Association is the leading non-profit organization committed to improving the lives of military families. Our over 40 years of service and accomplishments have made us a trusted resource for families and the Nation’s leaders. We are the only non-profit organization that represents the families of the Army, Navy, Air Force, Marine Corps, and the Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration, the Association provides benefits to both active duty and those of the deployed, wounded, and fallen.

Sincerely,

Mary Scott, 
Chairman, Board of Governors.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. Filner) that the House suspend the rules and pass the bill, H.R. 5993, as amended.
The question was taken.
The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BUYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.
The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

Mr. DRIEHAUS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2853) to require the purchase of domestically made flags of the United States of America for use by the Federal Government, as amended.

The Clerk read the title of the bill. The text of the bill is as follows:

H.R. 2853

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “All-American Flag Act”.

SEC. 2. REQUIREMENT FOR PURCHASE OF DOMESTICALLY MADE UNITED STATES FLAGS FOR USE BY FEDERAL GOVERNMENT.

Only such flags of the United States of America, regardless of size, that are 100 percent manufactured in the United States, from articles, materials, or supplies 100 percent manufactured in the United States, may be acquired for use by the Federal Government.

SEC. 3. REQUIREMENT TO USE WORKERS AUTHORIZED TO WORK IN THE UNITED STATES.

In carrying out section 2, the Federal Government may purchase flags only from a manufacturer that certifies that—

(1) the manufacturer does not employ aliens who are not authorized to be employed in the United States; and


SEC. 4. EFFECTIVE DATE.

Section 2 shall apply to purchases of flags made on or after 180 days after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. DRIEHAUS) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. DRIEHAUS. Mr. Speaker, I ask unanimous consent that all Members may have legislative抄s within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. DRIEHAUS. I yield myself such time as I may consume.

Mr. Speaker, H.R. 2853, the All-American Flag Act, ensures that the flags purchased by the Federal Government will be made right here in the United States, ensuring that tax dollars used for these purchases will stay here in our economy.

H.R. 2853 was introduced by our colleague, the gentleman from Iowa, Representative BRUCE BRALEY, on June 12, 2009. It was referred to the House Committee on Oversight and Government Reform, which ordered the measure reported by unanimous consent on July 28, 2010.

This bill requires that all flags of the United States of America, of any size, purchased by the Federal Government be 100 percent manufactured here in the United States. This also includes any articles, materials, or supplies used to manufacture or produce those flags. Those materials must all be produced here. This represents a vast improvement over existing law, which only requires 50 percent of those materials to be American made in order for E-Verify seems like a success that all of us can get around.

Mr. Speaker, I yield 1½ minutes to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Speaker, I appreciate my colleague from California's yielding the time.

We are requiring flags to be made in the United States because our colleagues say they are concerned about jobs. Well, House Republicans are also very much concerned about jobs in this country, and we have been listening to the American people.

Unemployment near 10 percent is one of the chief concerns of the people in this country, so they want to know why Democrats are allowing both chambers to adjourn this week without stopping this massive $3.9 trillion tax increase that will hurt small businesses and kill more jobs.

Our friends across the aisle can adjourn the House this week and walk away from their responsibility to govern, or Speaker Pelosi could allow full disclosure of the tax increases before this House is adjourned. We want an up-or-down vote now. We can’t allow the American people and small businesses to face this uncertainty.

We were elected to serve the people in our districts, not to put our personal political gain ahead of our constituents’ welfare. Certainly, we want to make efforts to keep jobs in America, such as through bills like this one, but especially by giving certainty to businesses.

Let’s vote before we adjourn to extend tax cuts for all Americans. No family and no job-creating small business owner should face a tax increase on January 1.

Mr. DRIEHAUS. I yield myself such time as I may consume.

Mr. Speaker, again, this bill is about creating American flags in the United States of America purchased by the Federal Government.

I very much appreciate the gentle lady’s concern over small businesses and business creation. That is why this House and the Senate came together
and passed the Small Business bill last week, which the President signed yesterday, creating more jobs and small businesses, allowing capital to flow into small businesses through our community banks. It is a step in the right direction to create businesses here in the United States. I am pleased that we passed it. I am sorry that the Republicans didn’t join us in that vote and support for small businesses.

Again, I will remind the gentlelady that small businesses benefit from the health care bill as well, getting a tax credit for providing health insurance for their employees for the first time. The small business community had been shut out of the process of receiving tax credits for providing health insurance. I am proud of what we have done for small businesses here in this Congress and will continue to work on behalf of small businesses.

I reserve the balance of my time.

Mr. BILBRAY. Mr. Speaker, I yield 30 seconds to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Speaker, unfortunately, our colleagues across the aisle are stuck on failure, the bailouts, one after the other. Last week, the bill that used the $4 billion, the $25 billion, is another bailout of banks. It is a failure. Everything that our friends across the aisle—mostly recommended by the President, have failed. Our unemployment rate, which was never supposed to get above 8 percent, based on the stimulus, is at almost 10 percent.

Your ways of doing this are to keep the American people under the control of the government. Tax credits make them beholden. That is not the way to do it. No tax increases is the way to do it.

Mr. DRIEHAUS. I yield myself such time as I may consume.

Again, I would like to comment on the lady’s comments regarding the supposed failure of the Recovery Act.

I would invite her to come to Cincinnati, Ohio, where the Banks Project, the largest project in Cincinnati, is moving forward because of the Recovery Act. She can meet the hundreds of workers that she calls a failure. Or she can go to the bridge that is being painted by 90 employees, also funded by the Recovery Act, that crosses the Ohio River. It is the Roebling Suspension Bridge that connects Kentucky and Cincinnati. I don’t consider that to be a failure. Nor do I consider to be a failure the hundreds, if not thousands, of jobs in the State of Ohio that police and firefighters now have, the thousands of jobs that teachers now have because of the Recovery Act.

As a matter of fact, Mr. Speaker, I think it was crystal clear in the CBO report that came out just a few weeks ago that the Recovery Act in fact saved or created 3.5 million jobs here in the United States.

It will remind the lady of the failures of the Bush economic policies that let us into the worst recession in our lifetime. A failure was the last 6 months of 2008, when we saw the loss of 3 million jobs in this economy.

I don’t call saving and creating 3.5 million jobs a failure, and I would challenge her to come to Cincinnati and look at those teachers that are working on I–75, those that are working on the Banks Project, and suggest to them that their paychecks are a failure of the Federal Government.

I reserve the balance of my time.

Mr. BILBRAY. I yield myself such time as I may consume.

Mr. Speaker, we can talk about successes and failures. Some people think that the stimulus package costing $200,000 per job, on average, is not something that is sustainable. But let’s talk about something we can agree is a success, and that is we were able to meet on this bill. Sadly, it is one of those few things we have been able to reach across the aisle and work on—that the flags not only that are flown over this Capitol and around the country, but who had that privilege and the honor of having the flag that was on my father’s casket fly and be hung in my office, this will mean that the men and women who served for the military and fought for the flag will have the free enterprise system that makes our freedoms possible will be able to be sure that they will not be covered with a flag made in China.

They will not have slave labor making the Stars and Stripes that are laid over their casket; that the sacred oath we make to them in so many different ways will include that the honor of a military funeral and having the Nation’s colors draped over your casket, you will be assured that it will be said to be made in America.

So with that, I think we need to look at where we can work on. This is one of those places we have been able to meet. And as we have been able to meet, talking about how the flags are made, and especially, finally, some agreement on who should be working in this country, I think it is one of those things that I hope that we can build on.

Mr. Speaker, if I can suggest that maybe Republicans and Democrats, rather than talking about an amnesty here or this proposal, we join on a bill that is so commonsensical that we don’t even talk about it.

H.R. 3580 by STEVE KING, all that bill says is let’s build on the success of E-Verify and tell employers that we as a government will no longer allow you to have a tax deduction for employing somebody unless you take the time to check that that person is legally in the country. There is a place that Democrats and Republicans can agree on. There is a place that we can reach a common ground and find answers, rather than the Congress putting out each other’s shortcomings.

Again, I would ask my colleagues on both side of the aisle, look at STEVE KING’s New IDEA bill, H.R. 3580. It is the most moderate, it is the most commonsensical proposal you can put forward. All it says is before an employer can deduct the expense of hiring somebody, they darn well ought to take the time to check that they are legally in the country. That, I think, is something that we can agree on.

I would love to see that before we adjourn, and maybe when we come back, that we meet at that middle ground and show the American people that we not only can stand up and make sure that flags are made legally in this country, but we can take this step to make sure that employers who are breaking the law by hiring people illegally are not given a tax deduction for it. I think that is one place that Republican and Democrats can join together and be Americans when it comes to these issues.

Mr. Speaker, we have no other speakers at this time; so I will just close by saying I think we have had a good discussion here. There are agreements and disagreements, but I think we found an agreement here. After all, if Americans cannot get together and agree that American flags are made in America, with American material in the United States by legal Americans, my God, what can we agree on?

I think this is one thing that may be small, most people won’t think it is a big deal, but hopefully this is a prototype and a blueprint for Democrats and Republicans getting together and agreeing to be Americans first and voting together and passing the kind of laws the American people have been waiting for for a long time.

Mr. Speaker, I yield back the balance of my time.

Mr. DRIEHAUS. Mr. Speaker, I very much respect the gentleman’s remarks, and I too have the flag of my father’s coffin in my office. We buried him two years ago last week. So it means something very special to me that we have come together today to support this legislation, because when it comes to our national tax deduction that American flags, those jobs should be in the United States, those flags should be made in the United States, the parts of those flags should be made in the United States.

I appreciate the support of all the Members of the committee, and I applaud Representative BRALEY for bringing the bill forward.

Mr. Speaker, I again urge my colleagues to join me in supporting this measure.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. DRIEHAUS) that the House suspend the rules and pass the bill, H.R. 2853, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BILBRAY. Mr. Speaker, I object to the vote on the ground that a
As a young man, Mr. Bolas served in the U.S. Army from 1953 to 1961. After finishing his service in the army, Mr. Bolas focused his time and attention on making his community a better place. Mr. Bolas served as zoning appeals board member, a Sharon Township trustee, and was also active in a wide array of community organizations, including the Medina County Drug Task Force, the Highland Foundation For Educational Excellence, the Boy Scouts of America, the Ohio Township Association, and the Sharon Township Heritage Society.

Sadly, Mr. Bolas passed away on August 14, 2008, following a long battle with cancer. His memory will live on through his adoring family and the countless individuals whose lives he improved through his tireless work on behalf of his community.

Mr. Speaker, let us further honor the life and legacy of Emil Bolas through the passage of H.R. 4602, which will designate the postal facility located at 1332 Sharon Copley Road in Sharon Center, Ohio, in his honor. I urge my colleagues to join me in supporting this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. BILBRAY. Mr. Speaker, this is one time that a Californian cannot best the Ohio gentleman. So I will just say I think he presented this item quite appropriately, and basically I will just say I agree totally with the majority opinion of the Chair, two-thirds being present.

Mr. Speaker, I yield back the balance of my time.

Mr. BILBRAY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. DRIEHAUS) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. DRIEHAUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The Speaker pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. DRIEHAUS) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. DRIEHAUS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the Committee on Oversight and Government Reform, I am proud to present H.R. 5606 for consideration. This legislation will designate the facility of the United States Postal Service located at 47 South 7th Street in Indiana, Pennsylvania, as the “James M. ‘Jimmy’ Stewart Post Office Building.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. DRIEHAUS) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. DRIEHAUS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks.

Mr. BILBRAY. Mr. Speaker, I object to the request of the gentleman from Ohio?

The Speaker pro tempore. There was no objection.

The Speaker pro tempore. The point of no quorum is considered withdrawn.

As we all know, Jimmy Stewart was an American film and stage actor who worked in Hollywood during its “Golden Age.” Mr. Stewart was born on May 20, 1908, in Indiana, Pennsylvania, and attended Mercersburg Academy Prep School. After graduating from Mercersburg in 1928, Mr. Stewart went on to attend Princeton University, where he developed a lifelong love for acting.

In 1939, Mr. Stewart starred in one of the great films about American politics, “Mr. Smith Goes to Washington,” which portrays the experience of a young senator learning the ropes in Washington. The film was a great success and was nominated for 11 Academy Awards.
James Maitland “Jimmy” Stewart was born on May 20, 1908, in Indiana, Pennsylvania. He studied at Princeton University, where he developed his love of acting before pursuing a career in theater and film. He starred in several movies, including Academy Award-winning Best Picture, “You Can’t Take It With You.” In 1939, he starred in the acclaimed “Mr. Smith Goes to Washington,” a film in which he played an idealist statesman trying to make a difference for his constituents.

After his early Hollywood success, a sense of patriotism compelled Stewart to serve his Nation during World War II. He enlisted in the Army in 1941, before his time in Uniontown, Pennsylvania, as the facility of the United States Postal Service located at 47 East Fayette Street in Uniontown, Pennsylvania, as the “George C. Marshall Post Office.” The Clerk read the title of the bill.

The text of the bill is as follows:

**H.R. 5605**

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the facility of the United States Postal Service located at 47 East Fayette Street in Uniontown, Pennsylvania, shall be known and designated as the “George C. Marshall Post Office”.

**SECTION 1. George C. Marshall Post Office.**

(a) Designation.—The facility of the United States Postal Service located at 47 East Fayette Street in Uniontown, Pennsylvania, shall be known and designated as the “George C. Marshall Post Office”.

(b) References.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “George C. Marshall Post Office”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. DRIEHAUSS) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

**General Leave**

Mr. DRIEHAUSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. DRIEHAUSS. Mr. Speaker, I now yield such time as he may consume to the author of the legislation, the gentleman from Pennsylvania (Mr. CRITZ).

(Mr. CRITZ asked and was given permission to revise and extend his remarks.)

Mr. CRITZ. Thank you, Mr. Chairman, for yielding.

Mr. Speaker, I rise today in support of H.R. 5605, which would rename the facility of the United States Postal Service located at 47 East Fayette Street in Uniontown, Pennsylvania, as the “George C. Marshall Post Office.”

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. DRIEHAUSS) that the House suspend the rules and pass the bill, H.R. 5606.

The motion was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BILBRAY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair’s prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.
as the envoy for President Truman in China to peacefully resolve a conflict between the nationalists and the communists. President Truman appointed him as Secretary of State in 1947, where he oversaw the Marshall Plan, the $13 billion recovery plan that was instrumental in the rebuilding of Europe. For his efforts, Marshall received the Nobel Peace Prize. He retired from the State Department in 1949 and became the president of the American Red Cross. In 1950, President Truman appointed Marshall Secretary of Defense. During his tenure he oversaw the formation of a United Nations international force that turned back the North Korean invasion of South Korea. He retired from public life in 1961 and passed away on October 16, 1959.

Mr. Speaker, George C. Marshall had a profound impact on the 20th century, not only here in the United States, but across the globe. This year we celebrate the 130th anniversary of his birth, and renaming his hometown post office is a fitting and worthy tribute to this great soldier, general, secretary and true American statesman. I urge my colleagues to support this bill.

Mr. BILBRAY. Mr. Speaker, I yield myself such time as I may consume.

At this time I would like to yield to the gentleman from North Carolina.

Ms. FOXX. I thank my colleague from California for yielding.

Certainly, Mr. Speaker, I think that General Marshall was a great man and deserves recognition. In fact, he received a great deal of recognition during his lifetime. He received the Nobel Prize.

However, this Congress has shown an unfortunate propensity for bringing up bills that are not exactly high priorities in the minds of the American people. Mr. Speaker, I would like to mention that many of these Democrats are sitting on their hands. It would be a travesty for this great soldier, general, secretary and true American statesman. I urge my colleagues to support this bill.

Mr. BILBRAY. Mr. Speaker, I yield myself such time as I may consume.

At this time I would like to yield to the gentleman from North Carolina.

Mr. DRIEHAUS. Mr. Speaker, I just want to remind the Members that this is a consent agenda, an agenda for which Republicans and Democrats have come together and for which the Members are not here to cast votes. They will be here tomorrow for our votes on the budget opportunity for Members of both sides to bring legislation forward which we have recognized, certainly throughout my year and a half in Congress, and it is due to the bipartisan nature of the work that is done in Oversight and Government Reform, which we should be proud of.

So I don’t apologize for bringing these bills to the floor today. I think the Republicans have made laudable efforts here, and I think we have made laudable efforts here. I would like to remind the Members that this is a consent agenda which has been agreed upon by both parties.

I reserve the balance of my time.

Mr. BILBRAY. I yield myself such time as I may use.

Mr. Speaker, Marshall was not a perfect man. He made mistakes. Those of us who have studied history know the fact is anyone who does very much is going to make mistakes; but Marshall, obviously, was a very, very noted figure in history.

I think, if nothing else, when we talk about naming something after someone, we have got to remember we are not doing it for that person. We are not honoring that person as much as we are inspring future generations to try to live up to an idea. So even though Mr. Marshall might have made mistakes and was flawed, overall he is still a role model to present for future generations.

I am not going to ask how old the Speaker was in 1959, Mr. Speaker, but the fact is Mr. Marshall passed away. It is sad that we have waited this long and that so many generations have come across this aisle who have not recognized that Marshall was a hometown boy. Maybe every time, in having gone to the post office, some grade school child might have been able to have been inspired to think big, to have tried harder—and, yes, even having failed sometimes.

As we go through all of these consent items, one of the things I would ask us to consider is, as I am sure the gentlewoman from North Carolina has said: What about the things that we are not doing? We have got to recognize that. A lot of the frustration out there is that we are naming a lot of post offices. Yet I think this one is appropriate.

As my cousin says, who is actually a former Democratic Congressman from Las Vegas and a member of the commission that handles these post offices, if we don’t get together in Washington and talk about how we are going to continue to provide the money and the oversight as the Government post offices open, we will have the right to name them, but will they be around to inspire future generations? Will our actions actually have the staying power if we don’t talk about those tough things like the budget, like the financial crisis, and like many other things that we have basically swept under the rug?

I think that this is an appropriate bill at this time, but there is the frustration that we are not doing these bills again and again and again; and it seems we are not addressing or finding bipartisan support on a lot of other things that the American people would like to look at, which is why I brought up Mr. King’s bill, because it is one of those little things that, too bad, sadly, leadership will not consider.

I mean, we just had a case last week. Rather than talking about eliminating the tax deduction for the employers of illegal immigrants, they had a comedia at a hearing, and I think a lot of people were very embarrassed—Democrats and Republicans. I guess, if there were a bipartisan response last week, it was: My God, have we allowed things to get to this point? I appreciate good comedy, obviously, while serving in Congress, but I think that there are mistakes we have made.

This bill should pass, but, sadly, we should be talking about a lot of other issues that are not even allowed to come to the floor. Mr. Speaker, which the American people want us to work on. I hope that we will be able to get leadership, especially the majority, to sit down with the minority and to ask, Okay, where are those substantive issues that we can agree on? and do that. There are little things that could make a lot of difference, like Mr. King’s bill, which would eliminate the tax deduction for people who are exploiting illegal labor.

At this time, again, I would support the bill.

I yield back the balance of my time.

Mr. DRIEHAUS. Mr. Speaker, again, I thank the gentleman for his support in the legislation before us. I urge my colleagues to join me in supporting this measure.

I yield back the balance of my time.

The SPEAKER pro tempore. The question was taken.

The question is on the motion offered by the gentleman from Ohio (Mr. DRIEHAUS) that the House suspend the rules and pass the bill, H.R. 5605.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BILBRAY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair’s prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.
M.R. “BUCKY” WALTERS POST OFFICE

Mr. DRIEHAUS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6014) to designate the facility of the United States Postal Service located at 212 Main Street in Hartman, Arkansas, as the “M.R. ‘Bucky’ Walters Post Office.”

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6014

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. M.R. “BUCKY” WALTERS POST OFFICE.

(a) Designation.—The facility of the United States Postal Service located at 212 Main Street in Hartman, Arkansas, shall be known and designated as the “M.R. ‘Bucky’ Walters Post Office.”

(b) References.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “M.R. ‘Bucky’ Walters Post Office”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. DRIEHAUS) and the gentleman from California (Mr. BILBRAY) each control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. DRIEHAUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and explain their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. DRIEHAUS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the Committee on Oversight and Government Reform, I am proud to present H.R. 6014 for consideration. This legislation will designate the facility of the United States Postal Service located at 212 Main Street in Hartman, Arkansas, as the “M.R. ‘Bucky’ Walters Post Office.”

H.R. 6014 was introduced by our friend and colleague, Representative JOHN BOOZMAN of Arkansas, on July 30, 2010. It was favorably reported out of the Oversight and Government Reform Committee on September 23, 2010. The legislation enjoys the support of the entire House delegation.

M.R. “Bucky” Walters was born on May 22, 1920, in Lincoln, Nebraska; and he dedicated his life to the service of his country and to his beloved Hartman, Arkansas. Mr. Walters served his country proudly for 58 years, spending 5 years in the Army during World War II and an astonishing 53 years with the United States Postal Service.

After serving as a master mechanic in the Arkansas National Guard at Camp Robinson in Little Rock, Arkansas, Mr. Walters was appointed as a full-time letter carrier for the Hartman Post Office in Hartman, Arkansas, by President Dwight D. Eisenhower.

After 11 years of exemplary service, Mr. Walters was appointed postmaster of the Hartman Post Office by President Lyndon Johnson.

As both a letter carrier and as a postmaster, Mr. Walters developed a reputation as a tireless employee who always went the extra mile for his community.

Sadly, Mr. Walters died on March 16, 2010, at the age of 89. He is survived by his wife, Maurine; his son, Neal; his sister, Doris; and by his two grandchildren.

Mr. Speaker, let us further honor the life and legacy of Mr. Walters through the passage of H.R. 6014, which will designate the postal facility located at 212 Main Street in Hartman, Arkansas, in his honor.

I urge my colleagues to join me in supporting H.R. 6014.

I reserve the balance of my time.

Mr. BILBRAY. Mr. Speaker, I appreciate the leadership on this item. I appreciate the fact that this naming is more punctual than the last. Maybe we’re seeing a positive train here, but I think that the gentleman from Ohio explained it quite appropriately and articulated perfectly exactly why we’re willing to take this action.

I yield back the balance of my time.

Mr. DRIEHAUS. Mr. Speaker, I again urge my colleagues to join me in supporting this measure, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. DRIEHAUS) that the House suspend the rules and pass the bill, H.R. 6014.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BILBRAY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair’s prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:


SUPPORTING UNITED STATES MILITARY HISTORY MONTH

Mr. DRIEHAUS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1442) supporting the goals and ideals of United States Military History Month.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. Res. 1442

Whereas United States citizens of every race, class and ethnic background from every State and territory have made memorable sacrifices as members of the United States Air Force, Army, Coast Guard, Marines, and Navy that have revolutionized armed conflict;

Whereas the United States has produced a legacy of pioneering military men since Congress first appointed George Washington in 1775 as general and commander-in-chief of the Continental Army in the American Revolution;

Whereas since then, citizen soldiers of the United States have valiantly overcome monumental odds, exhibited leadership in the face of superior forces, and achieved victory on battlefields at home and around the world when this Nation or its people have been threatened;

Whereas 3,686 Medals of Honor—the Nation’s highest decoration—have been awarded to United States veterans for Homeric courage and sacrifices above and beyond the call of duty in the line of fire defending the Nation;

Whereas the names of these recipients and other veterans of the United States Armed Forces have been recorded in the histories of other nations where they served in air, on land, and at sea defending freedom and protecting liberty;

Whereas the founding of the United States and its continued existence can be documented through the actions, leadership, and protection of its freedoms through the efforts of the United States Armed Forces;

Whereas November 11 was originally declared Armistice Day to commemorate the sacrifices of United States soldiers in World War I and later designated by President Dwight D. Eisenhower in 1954 as a day to honor all United States veterans;

Whereas members of the United States Armed Forces have played a critical economic, cultural, and societal role in protecting the life of the Nation by their dedicated service, prowess, and resolve;

Whereas despite these contributions, the role of veterans and the wars in which they served have been consistently undervalued and overlooked in the oversimplified, overblown, and over hyped stories diminished in American education;

Whereas November would be an appropriate month to designate as United States Military History Month and State legislatures and assemblies have been requested to issue proclamations designating November as United States Military History Month and to encourage students to study this vital subject and participate in Veterans Day activities: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of United States Military History Month; and

(2) encourages the President to issue a proclamation to emphasize the importance of United States Military History Month.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. DRIEHAUS) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.
Mr. DRIEHUIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. DRIEHUIS. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 1442 by my colleagues, the gentleman from Tennessee, Representative JOHN DUNCAN, on June 15, 2010. It was referred to the Committee on Oversight and Government Reform, which ordered it reported favorably by unanimous consent on September 23, 2010. The measure enjoys the support of over 50 Members of the House.

Mr. Speaker, from the Revolutionary War to the present conflicts in Iraq and Afghanistan, the actions and leadership of our Armed Forces have shaped the history of our Nation and helped to preserve our freedoms. One cannot understand our history without understanding our history, and our military has always had a critical role in our history.

For all that they’ve done for our Nation, our soldiers, sailors, airmen, and marines deserve our appreciation and respect. One of the ways we can do this is by helping to ensure that Americans understand the role that our military has played in the development of our Nation and in the history of our world. I, therefore, ask my colleagues to join me in supporting H. Res. 1442 and encourage all Americans to take time to learn more about our Nation’s military history.

I reserve the balance of my time.

Mr. Speaker, at this time I yield such time as he may consume to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. I thank the gentleman from California for yielding me the time, and I thank the gentleman from Ohio for his words in support of this legislation, and I also want to thank the very large number of cosponsors from both sides of the aisle that we have on this bill.

Mr. Speaker, H. Res. 1442 would designate the month of November as Military History Month. While still a general in the Continental Army, George Washington said, “When we assumed the soldier, we did not set aside the citizen,” meaning that he believed from the early days of this country’s history that citizen-soldiers were the most important people in this Nation in so many, many ways.

Since even before there was a United States until today, Americans have never shied away from the fight to make life better, not only for ourselves but for many millions of others. To better understand, appreciate, and celebrate the influence of the military on our Nation’s narrative, we should designate November as United States Military History Month.

There are two major holidays already set aside to honor the men and women who have served this Nation. First known as Declaration Day, what is now known as Memorial Day commemorates the American soldiers who have died in combat. Veterans Day began as Armistice Day to note the end of World War I. The Congress changed it to Veterans Day in November 11 of each year we honor all those who have served in the military. But without celebrating our country’s military history, these holidays might very well end up being seen merely as days off work or just days that government buildings and banks are closed.

The U.S. military has always played a very important role in our Nation’s evolution and in protecting the American way of life. Establishing, through the American Revolution, H. Res. 1442, a month each year to highlight our Armed Forces will hopefully encourage Americans to learn, remember, and appreciate the sacrifices of the men and women who serve.

It is my hope that the Nation which forgets its own history does so at its peril. This resolution is a fitting and appropriate way to honor our past and especially the extremely important role the U.S. military has played in that history.

I have submitted this resolution at the request of one of my constituents, Mr. Ed Hooper, a great military historian; and this is very appropriate, too, because it shows that legislation often does not emanate from Washington but, really, comes from the ground up, from the people that we represent. This is truly the American way to do legislation, and I urge all of my colleagues to support this resolution to designate November as Military History Month in this Nation.

Mr. BILBRAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the Representative from San Diego, a community that knows a little bit about the military, one of the largest military complexes in the world, I am very honored to support this motion by the gentleman from Tennessee and want to thank him for that. Not only do I have the privilege of being a member that is steeped in military history that goes, in fact, all the way back to our founding by Cabrillo, a military man in service of Spain, but also the fact of being raised—not only raised in a military family but born on a military base. So those of us from San Diego know exactly how deeply the roots of the military go as free Americans and as those who do not question the perception that service, as George Washington said, is always the highest honor and the greatest contribution.

Mr. Speaker, I just have to say that I’m sorry that some are not here to see Congress finally take up this item, and I think the gentleman from Tennessee should be commended, and I think the majority should be thanked for allowing the gentleman from Tennessee to bring this bill up for consideration, something I hope to see more of.

I wish that my parents were alive today, parents that only was he at Pearl Harbor on his birthday, at Leyte Gulf, and at Inchon, but also, more importantly, something we don’t think about the military, and that’s from my mother’s side, of the people around the world who would wipe my mother, that in the 1940s in Australia was watching the Japanese empire threaten to conquer her hometown of Brisbane, and the Yanks showed up in time to be able to save them from the tyranny of fascism. I think that too often when we talk about things like the service in the military, we think only of service to those of us who are Americans; but recognizing that the American military is not only not a threat to the rest of the world, it’s an essential component of the world peace and the world freedom and the world prosperity that not only Americans but the entire world, sadly, I think takes for granted.

I think that this is quite appropriate that the gentleman from Tennessee brings this up, that we not only recognize but we celebrate how unique our American military is. We go around the world to set people free. We go around the world to give them a better life. We don’t go to conquer and to oppress; and that is something the Americans have done from the get-go and it’s something that we should recognize, be it at Barby Coast to put down the pirates that were raiding innocent ships or to go and depose dictators that have been oppressing their own and killing their own people.

I thank this bill is quite appropriate, and hopefully we will see the kind of celebration of the heritage of military service that we have in this country as we often see on others.

So I again congratulate the gentleman from Tennessee, and I thank the majority for allowing the bill to go forward.

I yield back the balance of my time.

Mr. DRIEHUIS. Mr. Speaker, I again urge my colleagues to join me in supporting this measure, and I yield back the balance of my time.

The SPEAKER pro tempore. The question was taken.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. DRIEHUIS) that the House suspend the rules and agree to the resolution, H. Res. 1442.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BILBRAY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair’s prior announcement, further
proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

CONGRATULATING THE WASHINGTON STEALTH
Ms. CHU. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1546) congratulating the Washington Stealth for winning the National Lacrosse League Championship, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. Res. 1546

Whereas, on May 15, 2010, the Washington Stealth defeated Toronto Rock 15 to 11 in the National Lacrosse League Championship in Everett, Washington;

Whereas the Stealth franchise won the Western Division during the regular season with a NLL-best 11 and 5 record, capturing the Western Divisional Championship by defeating the Edmonton Rush;

Whereas the 2010 National Lacrosse League Championship game was sold out and 8,669 people watched the game at the Comcast Arena in Everett, Washington;

Whereas this was the Washington Stealth’s first season in Everett, Washington, after spending 6 seasons in San Jose, California;

Whereas Washington Stealth led the National Lacrosse League in goal-scoring with 211 goals in 16 regular season games;

Whereas team member Lewis Ratcliff was the league’s top goal-scorer with 46 goals and earned the Championship Game MVP honors after scoring 5 goals during the championship game;

Whereas David Takata, President of Washington Stealth, has been named the National Lacrosse League’s Executive of the Year;

Whereas Chris Hall, Head Coach of Washington Stealth, has been named the National Lacrosse League’s Coach of the Year;

Whereas Defenders Matt Beers earned the honor of All-Rookie Team;

Whereas Lacrosse is one of America’s fastest-growing sports;

Whereas the National Lacrosse League has 11 teams throughout North America;

Whereas the National Lacrosse League’s West Division includes the Washington Stealth, Colorado Mammoth, Minnesota Swarm, Edmonton Rush, and Calgary Roughnecks;

Whereas the National Lacrosse League’s East Division includes the Toronto Rock, Boston Blazers, Rochester Knighthawks, Buffalo Bandits, Orlando Titans, and Philadelphia Wings;

Whereas 2010 marked the National Lacrosse League’s 24th season; and

Whereas over 1,000,000 fans enter the doors of the National Lacrosse League arenas on a yearly basis; Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Washington Stealth for winning the National Lacrosse League Championship; and

(2) recognizes the achievements of the players, coaches, students, and support staff who were instrumental in the victory.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. CHU) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

Ms. CHU. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. CHU. Mr. Speaker, I yield myself such time as I may consume.

On behalf of the Committee on Oversight and Government Reform, I present House Resolution 1546 for consideration. This measure congratulates the Washington Stealth for winning the National Lacrosse League championship.

Mr. Speaker, lacrosse is among the Nation’s fastest-growing sports, and its origins date back to more than 2,000 years old. I am, therefore, very glad that we can congratulate the Washington Stealth on their victory in the National Lacrosse League championship earlier this year.

House Resolution 1546 was introduced by our colleague, the gentleman from California (Mr. BILBRAY), on July 21, 2010. It was referred to the Committee on Oversight and Government Reform, which ordered it reported favorably by unanimous consent on July 28, 2010. It enjoys the support of over 50 Members of the House.

Mr. Speaker, let us now take time to congratulate the Washington Stealth and the entire team organization on a historic championship through the passage of House Resolution 1546. I urge my colleagues to join me in supporting it.

I reserve the balance of my time.

Mr. BILBRAY. Mr. Speaker, the minority will support this bill. And, as pointed out by the gentlelady, this is probably—in fact, I would kind of challenge my own history background—the only general sport that has its origin on this continent are centuries old. I am, therefore, very glad that we can congratulate the Washington Stealth on their victory in the National Lacrosse League championship.


Whereas the Stealth franchise won the Western Division during the regular season with a NLL-best 11 and 5 record, capturing the Western Divisional Championship by defeating the Edmonton Rush.

Whereas the 2010 National Lacrosse League Championship game was sold out and 8,669 people watched the game at the Comcast Arena in Everett, Washington.

Whereas this was the Washington Stealth’s first season in Everett, Washington, after spending 6 seasons in San Jose, California.

Whereas Washington Stealth led the National Lacrosse League in goal-scoring with 211 goals in 16 regular season games.

Whereas team member Lewis Ratcliff was the league’s top goal-scorer with 46 goals and earned the Championship Game MVP honors after scoring 5 goals during the championship game.

Whereas David Takata, President of Washington Stealth, has been named the National Lacrosse League’s Executive of the Year.

Whereas Chris Hall, Head Coach of Washington Stealth, has been named the National Lacrosse League’s Coach of the Year.

Whereas Defenders Matt Beers earned the honor of All-Rookie Team.

Whereas Lacrosse is one of America’s fastest-growing sports.

Whereas the National Lacrosse League has 11 teams throughout North America.

Whereas the National Lacrosse League’s West Division includes the Washington Stealth, Colorado Mammoth, Minnesota Swarm, Edmonton Rush, and Calgary Roughnecks.

Whereas the National Lacrosse League’s East Division includes the Toronto Rock, Boston Blazers, Rochester Knighthawks, Buffalo Bandits, Orlando Titans, and Philadelphia Wings.

Whereas 2010 marked the National Lacrosse League’s 24th season; and

Whereas over 1,000,000 fans enter the doors of the National Lacrosse League arenas on a yearly basis.

Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Washington Stealth for winning the National Lacrosse League Championship; and

(2) recognizes the achievements of the players, coaches, students, and support staff who were instrumental in the victory.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. CHU) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

Ms. CHU. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. CHU. Mr. Speaker, I yield myself such time as I may consume.

On behalf of the Committee on Oversight and Government Reform, I present House Resolution 1546 for consideration. This measure congratulates the Washington Stealth for winning the National Lacrosse League championship.

Mr. Speaker, lacrosse is among the Nation’s fastest-growing sports, and its origins date back to more than 2,000 years old. I am, therefore, very glad that we can congratulate the Washington Stealth on their victory in the National Lacrosse League championship.

Whereas over 1,000,000 fans enter the doors of the National Lacrosse League arenas on a yearly basis; Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the work of the United States Paralympics;

Whereas the United States Paralympics makes a difference in the lives of thousands of individuals with a physical disability every day;

Whereas United States Paralympics athletes have been competing in the Paralympic Games since 1990;

Whereas the athletes in the Paralympic Games are the very best at their sports, devote countless hours to training, and receive support from their families, schools, and communities;

Whereas the United States Paralympics Team medal winners from the 2010 Paralympic Winter games in Vancouver; and

Whereas the United States Paralympics Team won gold medals in Ice Hockey (Ice Sledge Hockey), Women’s Super Combined (Sitting), Women’s Downhill (Sitting), and Women’s Giant Slalom (Sitting); Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) supports the work of the United States Paralympics;

Whereas over 1,000,000 fans enter the doors of the National Lacrosse League arenas on a yearly basis; Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the work of the United States Paralympics;

(2) congratulates all of the United States Paralympics Team medal winners from the 2010 Winter Paralympic Games in Vancouver, British Columbia;

Whereas the United States Paralympics Team medal winners from the 2010 Winter Paralympic Games in Vancouver, British Columbia;

(3) honors all of the Paralympic athletes for their contributions to the Games; and

(4) recognizes the contributions of the athletes’ families, schools, and communities to
the Paralympic Games, and the United States Team.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Ms. CHU) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

Ms. CHU. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. CHU. I yield myself such time as I may consume.

I rise in support of House Resolution 1479, a bill supporting the United States Paralympics. A division of the U.S. Olympic Committee, the United States Paralympics organizes elite athletes with physical disabilities to compete internationally in the summer and winter Paralympic Games.

House Resolution 1479 was introduced by our colleague, the gentleman from New Jersey, Representative LEONARD LANCE, on June 25, 2010. It was referred to the Committee on Oversight and Government Reform, which ordered it reported favorably by unanimous consent on July 28, 2010. The measure enjoys the support of over 50 cosponsors.

I would like to thank the gentleman from New Jersey for introducing this measure, and I would also like to enter into the RECORD an exchange of letters between our committee, the Committee on Oversight and Government Reform, and the House Committee on Foreign Affairs, which expresses Chairman BERMAN’s and the Foreign Affairs Committee’s support of House Resolution 1479 and waives their jurisdictional interest in this bill.

Mr. Speaker, the Olympic Games promote ideals of fair sportsmanship, fair play, physical fitness, and peace through sport. The Paralympics ensures that athletes with physical disabilities can take part in these games, representing our Nation on the world stage.

There are over 21 million Americans with a physical disability, including thousands of men and women who sustained serious injuries while serving in the military. I am glad that they have the opportunity to represent our country by taking part in these games. Let us now honor these athletes and recognize their achievements through the passage of House Resolution 1479, and I urge the colleagues to join me in supporting it.

Hon. Howard Berman, Chairman, Committee on Foreign Affairs, Washington, DC, September 22, 2010.

Hon. Howard Berman, Chairman, Committee on Foreign Affairs, House of Representatives, Rayburn House Office Building, Washington, DC.

Dear Chairman Berman: Thank you for your letter regarding H. Res. 1479, a resolution “Supporting the United States Paralympics, honoring the Paralympic athletes, and for other purposes,” introduced by Congressman Leonard Lance on July 28, 2010.

As you know, this measure was referred to the Committee on Oversight and Government Reform and, in addition, to the Committee on Foreign Affairs for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

This bill contains provisions within the rule X jurisdiction of the Committee on Foreign Affairs. In the interest of permitting your Committee to proceed expeditiously to floor consideration of this important bill, I am willing to waive this Committee’s right to mark up this bill. I do so with the understanding that by waiving consideration of the bill, the Committee on Foreign Affairs does not waive any future jurisdictional claim over the subject matters contained in the bill which fall within its rule X jurisdiction.

Please include a copy of this letter and your response in the Congressional Record during consideration of the measure on the House floor.

Sincerely,

Chairman,

House of Representatives, Committee on Oversight and Government Reform, Washington, DC, September 22, 2010.

Hon. Howard Berman, Chairman, Committee on Foreign Affairs, House of Representatives, Rayburn House Office Building, Washington, DC.

Dear Chairman Berman: I am writing to you concerning H. Res. 1479, a resolution “Supporting the United States Paralympics, honoring the Paralympic athletes, and for other purposes,” introduced by Congressman Leonard Lance on July 28, 2010.

As you know, this measure was referred to the Committee on Oversight and Government Reform and, in addition, to the Committee on Foreign Affairs for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

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Please include a copy of this letter and your response in the Congressional Record during consideration of the measure on the House floor.

Sincerely,

Howard L. Berman,
Chairman

Chairman,

House of Representatives, Committee on Oversight and Government Reform, Washington, DC, September 22, 2010.

Hon. Howard Berman, Chairman, Committee on Foreign Affairs, House of Representatives, Rayburn House Office Building, Washington, DC.

Dear Chairman Berman: Thank you for your letter regarding H. Res. 1479, a resolution “Supporting the United States Paralympics, honoring the Paralympic athletes, and for other purposes,” introduced by Congressman Leonard Lance on July 28, 2010.

I agree that the Committee on Foreign Affairs has valid jurisdictional claims to this resolution and I appreciate your willingness to waive further consideration of H. Res. 1479 in the interest of expediting consideration of this important measure. I acknowledge that your Committee is not relinquishing its jurisdiction over the relevant provisions of H. Res. 1479, nor waiving its jurisdictional claims over similar measures in the future.

This exchange of letters will be in the Congressional Record as part of the consideration of H. Res. 1479. I thank you for working with me to pass this important legislation.

Sincerely,

Edolphus Towns,
Chairman

Chairman,

House of Representatives, Committee on Foreign Affairs, Washington, DC, September 21, 2010.

Hon. Edolphus Towns, Chairman, Committee on Oversight and Government Reform, Rayburn House Office Building, Washington, DC.

Dear Chairman Towns: I am writing to you concerning H. Res. 1479, a resolution “Supporting the United States Paralympics, honoring the Paralympic athletes, and for other purposes,” introduced by Congressman Leonard Lance on July 28, 2010.

As you know, this measure was referred to the Committee on Oversight and Government Reform and, in addition, to the Committee on Foreign Affairs for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

This bill contains provisions within the rule X jurisdiction of the Committee on Foreign Affairs. In the interest of permitting your Committee to proceed expeditiously to floor consideration of this important bill, I am willing to waive this Committee’s right to mark up this bill. I do so with the understanding that by waiving consideration of the bill, the Committee on Foreign Affairs does not waive any future jurisdictional claim over the subject matters contained in the bill which fall within its rule X jurisdiction.

Please include a copy of this letter and your response in the Congressional Record during consideration of the measure on the House floor.

Sincerely,

Howard L. Berman,
Chairman

These athletes are the very best at what they do and should serve as an inspiration for all Americans for the dedication and tenacity they show in representing the United States of America.

Mr. BILBRAY. Mr. Speaker, I would like to thank the majority for allowing the Congressman to bring his item onto the floor for a vote. It is a tough thing to do sometimes, especially from the minority, and I appreciate the fact that the majority was willing to allow him to do that.

I ask for an affirmative vote, and I yield back the balance of my time.

Ms. CHU. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and agree to the resolution, H. Res. 1479.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BILBRAY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair’s prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.
DOROTHY I. HEIGHT POST OFFICE BUILDING

Ms. CHU. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6118) to designate the facility of the United States Postal Service located at 2 Massachusetts Avenue, N.E., in Washington, D.C., as the “Dorothy I. Height Post Office Building,” as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6118

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

SECTION 1. DOROTHY I. HEIGHT POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2 Massachusetts Avenue, NE, in Washington, D.C., shall be known and designated as the “Dorothy I. Height Post Office”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Dorothy I. Height Post Office”.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. CHU) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

Ms. CHU. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. CHU) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the House Committee on Oversight and Government Reform, I am pleased to present H.R. 6118 for consideration. This measure designates the facility of the United States Postal Service located at 2 Massachusetts Avenue, NE in Washington, D.C., as the “Dorothy I. Height Post Office.”

H.R. 6118 was introduced by our colleague, the gentlewoman from the District of Columbia, Representative ELEANOR HOLMES NORTON, on September 14, 2010. It was referred to the Committee on Oversight and Government Reform, which ordered it reported favorably by unanimous consent on September 23, 2010.

Mr. Speaker, this chamber mourned the loss of one of America’s most celebrated civil rights leaders, Dr. Dorothy Height, earlier this year. Today, we have the opportunity to continue to honor her life and achievements by giving her name to the post office in Washington, D.C.’s historic Postal Square Building.

Mr. Speaker, I reserve the balance of my time.

Mr. BILBRAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the minority will support the bill. Dorothy Height actually had bipartisan support in her life. She got an award from one of the greatest, Ronald Reagan, and one of the more recent, Bill Clinton. And I think that in that spirit we should try, in a bipartisan effort, to support this bill.

Ms. PELOSI. Mr. Speaker, I rise today in strong support of this legislation naming a post office in Washington, D.C. after the godmother of the civil rights movement and a champion of social justice, Dr. Dorothy I. Height. I thank Congresswoman ELEANOR HOLMES NORTON for providing us with the opportunity to honor Dr. Height’s commitment and compassion, grace and patriotism.

In her memoir, “Open Wide the Freedom Gates,” Dr. Height wrote, “It is in the neighborhood and communities where the world begins. That is where children grow and families are developed, where people exercise the power to change their lives.”

Today, we have the opportunity to ensure that Dr. Height’s name will live on in the neighborhoods and communities of our nation’s capital. And when we do so, we will have named the first public building in Washington’s history after an African American woman.

I think it is particularly appropriate that the Dorothy I. Height Post Office Building will be just four blocks from the United States Capitol—where Dr. Height tirelessly lobbied on behalf of social justice, human rights, and equality. It is almost as if she is keeping a watchful eye over us.

Men and women of every race and faith are heirs to the work, passion, and legacy of Dorothy Height. Together, we must continue to help build the America that Dr. Height envisioned: a nation defined by equality, shaped by civil rights, and driven by the pursuit of justice for all.

Hundreds of people came to the Washington National Cathedral to pay their last respects to Dr. Height—ordinary residents of the nation’s capital, dignitaries, and even the President of the United States. As President Barack Obama said that day, “May God bless Dr. Dorothy Height and the union that she made more perfect”.

I urge my colleagues to support this bill.

Mr. BILBRAY. Mr. Speaker, I ask for an affirmative vote, and I yield back the balance of my time.

Ms. CHU. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and pass the bill, H.R. 6118, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BILBRAY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair’s prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

SUPPORTING GOLD STAR MOTHERS DAY

Ms. CHU. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1617) supporting the goals and purpose of Gold Star Mothers Day, which is observed on the last Sunday in September of each year in remembrance of the supreme sacrifice made by mothers who lose a son or daughter serving in the Armed Forces.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1617

Whereas the American Gold Star Mothers have suffered the supreme sacrifice of motherhood by losing a son or daughter who served in the Armed Forces, and thus perpetuate the memory of all whose lives are sacrificed in war;

Whereas the American Gold Star Mothers assist veterans of the Armed Forces and their dependents in the presentation of claims to the Department of Veterans Affairs and aid members of the Armed Forces who served and died or were wounded or incapacitated during hostilities;

Whereas the services rendered to the United States by the mothers of America have strengthened and inspired Americans throughout the history of the United States;
Mr. Speaker, the sacrifices of the Gold Star Mothers should never be far from our thoughts and prayers, and so I ask my colleagues to join me in honoring the Gold Star Mothers through the passage of H. Res. 1617.

Mr. Speaker, I reserve the balance of my time.

Mr. BILBRAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think that as we were talking about many different items today, I think that as a culture, especially as a Congress, we always talk about the men and women who serve and those who pay the ultimate sacrifice.

But I think anyone who is a parent, especially those who are mothers, recognize that the only thing worse than running into harm’s way is to watch your child run into harm’s way. And the greatest loss is not the loss of one’s life, but a loss of a child’s life. And I think this is quite appropriate that we finally start focusing on the fact that the great sacrifice made on the battlefield is not by the men and women who are fighting, but the mothers who are left behind and must live with whatever results occur on that battlefield, something that they will live with for the rest of their lives. And I think it is quite appropriate that we do this today.

I am sad that we haven’t done it before, to really recognize that those greatest heroes in America are the mothers who have raised the children that do the fighting that protect the freedoms and the prosperity, and those mothers who pay the ultimate sacrifice should be recognized, not just here, but much more often.

And so I thank the majority for allowing this to be brought forward. And, hopefully, as a nation, as a culture, we will recognize the contribution mothers make in this great effort.

The military couldn’t be the military if it wasn’t for the mothers who were willing to raise the children that we put in harm’s way. And they are willing and, sadly, forced many times as the Gold Star Mothers are, to live with the repercussions for the rest of their lives of the great loss that they witness and this Nation has ignored for too long. I ask for passage of this bill.

Mr. Speaker, I yield back the balance of my time.

Ms. CHU. Mr. Speaker, I object to clause 8 of rule XX and the point of order that a quorum is not present. The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair’s prior announcement, further proceedings on this motion will be postponed.

Mr. Speaker, I reserve the balance of my time.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. CHU. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. CHU. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 1617, a measure supporting the goals and ideals of Gold Star Mothers Day, observed each September 23, 2010. The measure enjoys the support of over 50 members of the House.

H. Res. 1617 was introduced by our colleague gentlewoman from California, Representative PETER ROSKAM on September 14, 2010. It was referred to the Committee on Oversight and Government Reform, which ordered it reported favorably by unanimous consent on September 23, 2010. The measure enjoys the support of over 50 members of the House.

We here in the House of Representatives regularly take time to honor our brave men and women serving in the armed services, particularly those who have made the ultimate sacrifice in the line of duty. With so many putting themselves in harm’s way, I’m very pleased that we can make it a priority to keep them and their families in our thoughts and prayers. The American Gold Star Mothers are a group of women who have all lost a son or daughter serving in the Armed Forces, and today we honor their sacrifice.

The Gold Star Mothers provide services and comfort to their members, assist veterans in presenting claims to the VA, and host a number of events throughout the year to show support for our military. We thank them for all they do for our troops and our veterans.
There was no objection.

Ms. CHU. Mr. Speaker, I rise in support of House Resolution 1603, expressing support for National Craniofacial Acceptance Month.

H. Res. 1603 was introduced by our colleague Representative Mike Ross, on July 30, 2010. It was referred to the Committee on Oversight and Government Reform, which ordered it reported favorably on September 23, 2010. The measure has the support of 70 members of the House.

Mr. Speaker, there are 100,000 children born each year in the United States with a craniofacial anomaly affecting the head, neck, extremities, or organs. These include cleft lip and cleft palate, the most common congenital craniofacial anomalies seen at birth, as well as other conditions that can cause hearing loss or other complications.

The development of more advanced treatment options for individuals with these conditions can greatly improve their quality of life, but the number of physicians who specialize in treating these rare and complex conditions is very small. People born with craniofacial anomalies often require extensive surgery in childhood and a great deal of support and encouragement along the way, so I am glad that we can do our part to raise awareness of these conditions today through the passage of H. Res. 1603. I ask my colleagues to join me in supporting it.

I reserve the balance of my time.

Mr. BILBRAY. Mr. Speaker, we support the bill, and I will support the gentlelady from California’s motion to post the bill, and I will support the motion to post the bill.

Ms. CHU. Mr. Speaker, I ask unanimous consent that all Members may revise and extend their remarks.

Mr. BILBRAY. Mr. Speaker, I yield back the balance of my time.

Ms. CHU. I yield back the balance of my time.

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California.

Ms. CHU. Mr. Speaker, I ask unanimous consent that all Members may revise and extend their remarks.

Mr. BILBRAY. Mr. Speaker, I yield the balance of my time.

Ms. CHU. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 3243, legislation to promote work arrangements and scheduling for Federal firefighters. H.R. 3243 was introduced by Representative JOHN SARBANES of Maryland, will allow federal firefighters to trade shifts with each other, without triggering required overtime payments from their employing agencies. Notably, state and municipal firefighters have long been able to swap shifts, or trade shifts with each other, without triggering additional costs for their agencies. However, as California knows how important the Federal firefighters can be. We just recently had massive fires break out again, and we are sadly looking forward to another season that could be very, very damaging. These firefighters are not just those covering military installations but actually protect homes throughout the country, especially in those fire-prone areas such as California.

I again just say that I think this is appropriate. It is those little things that add up that the American people have been asking us to do more of, and I think this is one of those bipartisan issues. We can go back to our districts and say to our constituents, we haven’t done enough, we really need to do more, but at least we got together and got this item done. And this item could not only save money but may be able to make the system work efficiently.

Mr. LYNCH. Mr. Speaker, as Chairman of the House Subcommittee on jurisdiction over the Federal Workforce, Postal Service, and the District of Columbia, and as a strong supporter of this bill, I am pleased that the House will act today to advance H.R. 3243. The bill, introduced by Congressman JOHN SARBANES of Maryland, will allow federal firefighters to trade shifts with each other, without triggering overtime pay for federal firefighters. Clearly, it will save federal agencies money, and increases overall retention rates, without costing these local and state governments any additional money.

The Sarbanes bill simply amends title 5 by excluding trade time from the calculation of overtime pay for federal firefighters. Clearly, it will still be up to the agency—such as the Department of Defense—to approve the request to switch schedules. The bill’s enactment will actually save federal agencies money, because under current law agencies must at times pay overtime for fill-in workers. However, under this legislation, these entities will now have employees voluntarily agreeing to work shifts without overtime being required.

Again, extending a small amount of scheduling flexibility to our federal firefighters—that neither increases agency costs nor reduces manpower—is the right thing to do. Moreover, the bill’s enactment will increase the attractiveness of federal firefighter positions.
that at present can actually go unfilled for as long as half a year. I'd like to take the opportunity to thank all federal fire fighters as well as other fire fighters, including those recently combating the fires in the Salt Lake City suburbs, as well as my own fire fighters from Battalion Local 718.

I also want to express my appreciation to Chairman TOWNS for his unwavering commitment to extending workplace flexibilities to all federal workers—regardless of whether they are white collar desk workers or shift workers such as our federal fire fighters.

Mr. BILBRAY. I yield back the balance of my time.

Ms. CHU. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. Chu) that the House suspend the rules and pass the bill, H.R. 3243.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BILBRAY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

PRE-ELECTION PRESIDENTIAL TRANSITION ACT OF 2010

Ms. CHU. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3196) to amend the Presidential Transition Act of 1963 to provide that certain transition services shall be available to eligible candidates before the general election.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3196

Be it enacted by the Senate and House ofRepresentatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE

This Act may be cited as the "Pre-Election Presidential Transition Act of 2010".

SEC. 2. CERTAIN PRESIDENTIAL TRANSITION SERVICES MAY BE PROVIDED TO ELIGIBLE CANDIDATES BEFORE GENERAL ELECTION.

(a) IN GENERAL.—Section 3 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) is amended by adding at the end the following:

"(h)(1)(A) In the case of an eligible candidate, the Administrator—

"(i) shall notify the candidate of the candidate’s rights to receive the services and facilities described in paragraph (2) and shall provide with such notice a description of the nature and scope of each such service and facility and the manner in which it will be provided;

"(ii) upon notification by the candidate of which such services and facilities such candidate will accept, shall, notwithstanding subsection (b), provide such services and facilities to the candidate during the period beginning on the date of the notification and ending on the date of the general elections described in subsection (b)(1).

The Administrator shall also notify the candidate that sections 780(c) and 840(b) of the Intelligence Reform and Terrorism Preven-
tion Act of 2004, provide additional services.

(b) THE ADMINISTRATOR.—

"(B) The Administrator shall provide the notice under subparagraph (A)(i) to each eligible candidate—

"(i) in the case of a candidate of a major party (as defined in section 9002(6) of the Internal Revenue Code of 1986), on one of the first 3 business days following the last nominating convention for such major parties; and

"(ii) in the case of any other candidate, as soon as practicable after an individual becomes an eligible candidate, if it is at the same time as notice is provided under clause (i).

The Administrator shall not later than the date of each general election for President and Vice-President (beginning with the election to be held in 2012), prepare a report summarizing modern presidential transition activities, including a bibliography of relevant resources.

"(ii) shall, as appropriate, ensure that any candidate determined under subparagraph (A)(i) to be an eligible candidate receive the services and facilities described in subsection (b)(1)."
(1) SECURITY CLEARANCES.—Section 7601(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b note) is amended—

(a) by striking paragraph (1) and inserting—

‘‘(1) DEFINITION.—In this section, the term ‘eligible candidate’ has the meaning given such term by section 3(h)(4) of the Presidential Transition Act of 1963 (3 U.S.C. 102 note),’’; and

(b) by striking ‘‘major party candidate’’ in paragraph (2) and inserting ‘‘eligible candidate’’.

(2) PRESIDENTIALLY APPOINTED POSITIONS.—Section 4406(b)(2)(B) of such Act (5 U.S.C. 1101 note) is amended to read as follows:

‘‘(B) OTHER CANDIDATES.—After making transmittals under subparagraph (A), the Office of Personnel Management shall transmit such electronic record to any other candidate for President who is an eligible candidate described in section 3(h)(4)(B) of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) and may transmit such electronic record to any other candidate for President.’’

(3) CONFORMING AMENDMENTS.—Section 3 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) is amended—

(1) in subsection (a)(3)(B), by striking ‘‘President-elect or eligible candidate’’ as defined in subsection (h)(4) for President’’; and

(2) in subsection (e), by inserting ‘‘, or eligible candidates’’ as defined in subsection (h)(4) for President or Vice-President,’’ before ‘‘may designate’’.

SEC. 3. AUTHORIZATION OF TRANSITION ACTIVITIES BY THE INCUMBENT ADMINISTRATION.

(a) IN GENERAL.—The President of the United States, or the President’s delegate, may take such actions as the President determines necessary and appropriate to plan and coordinate activities by the Executive branch and by other persons for governing in an increasingly complex world. As the non-partisan Partnership for Public Service has warned, ‘‘Given the complexity and urgency of issues facing an incoming administration in a post–9/11 world, we need our president and his senior leadership to be ready to govern on day one. An effective transition relies on advance preparation and skillful execution, not hope and luck.’’

(b) CONSIDERATION.—The SPEAKER pro tempore. Is there objection to the request of the gentleman from California? There was no objection.

Ms. CHU. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend remarks.

The SPEAKER pro tempore. The request is granted. The SPEAKER pro tempore. The question was taken.

Ms. CHU. Mr. Speaker, I yield myself such time as may be necessary to carry out the provisions of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. CHU) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. CHU. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

Ms. CHU. Mr. Speaker, I yield myself such time as may be necessary to carry out the provisions of this Act.

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The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. CHU. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

Ms. CHU. I yield back the balance of my time.

SECURITY COOPERATION ACT OF 2010

Mr. BILBRAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when we look at this bill, we have got to think about what if 9/11 had happened 6 months before or 9 months before. And what if on Inauguration Day terrorists decided then that the time that America’s leadership would be the weakest, that how could they really cause havoc not just with an attack but be able to catch America when its political leadership was at its weakest point? I think this bill is trying to make sure we avoid that vulnerability.

It is still a threat I think we must still be concerned about, but I think this bill helps to address the potential gap that exists today, and hopefully we’ll close that gap to make sure that we tighten up the process and make it more outcome-based, and basically reflecting the fact that Washington gets it that the world is changing and we need to change too. We need to improve. Just because this is the way Washington has done something, it doesn’t mean that is the way we should not only do it in the future, but it is not only that we can’t do it in the future; we can’t afford to do it in the future. If we are going to uphold our responsibility to defend this country, to serve this country, then we not only have the right to change our procedures; we have the responsibility to make these changes. I think this bill fulfills that responsibility in a very small manner, but it could be very important.

I yield back the balance of my time.

Mr. Speaker, when we look at this bill, we have got to think about what if 9/11 had happened 6 months before or 9 months before. And what if on Inauguration Day terrorists decided then that the time that America’s leadership would be the weakest, that how could they really cause havoc not just with an attack but be able to catch America when its political leadership was at its weakest point? I think this bill is trying to make sure we avoid that vulnerability.

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Mr. Speaker, when we look at this bill, we have got to think about what if 9/11 had happened 6 months before or 9 months before. And what if on Inauguration Day terrorists decided then that the time that America’s leadership would be the weakest, that how could they really cause havoc not just with an attack but be able to catch America when its political leadership was at its weakest point? I think this bill is trying to make sure we avoid that vulnerability.

It is still a threat I think we must still be concerned about, but I think this bill helps to address the potential gap that exists today, and hopefully we’ll close that gap to make sure that we tighten up the process and make it more outcome-based, and basically reflecting the fact that Washington gets it that the world is changing and we need to change too. We need to improve. Just because this is the way Washington has done something, it doesn’t mean that is the way we should not only do it in the future, but it is not only that we can’t do it in the future; we can’t afford to do it in the future. If we are going to uphold our responsibility to defend this country, to serve this country, then we not only have the right to change our procedures; we have the responsibility to make these changes. I think this bill fulfills that responsibility in a very small manner, but it could be very important.

I yield back the balance of my time.

Mr. Speaker, when we look at this bill, we have got to think about what if 9/11 had happened 6 months before or 9 months before. And what if on Inauguration Day terrorists decided then that the time that America’s leadership would be the weakest, that how could they really cause havoc not just with an attack but be able to catch America when its political leadership was at its weakest point? I think this bill is trying to make sure we avoid that vulnerability.

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CONGRESSIONAL RECORD — HOUSE

SEC. 101. SHORT TITLE.

This title may be cited as the "Defense Trade Cooperation Treaties Implementation Act of 2010."

SEC. 102. EXEMPTIONS FROM REQUIREMENTS.

(a) RETRANSFERS REQUIREMENTS.—Section 3(b) of the Arms Export Control Act (22 U.S.C. 2753(b)) is amended by inserting "a treaty referred to in section 38(j)(1)(C)(i) of this Act permits such transfer without prior consent of the President, or if" after "if".

(b) BILATERAL AGREEMENT REQUIREMENTS.—Section 38(j)(1) of such Act (22 U.S.C. 2778(j)(1)) is amended—

(1) in the subparagraph heading for subparagraph (B), by inserting "for Canada" after "APEC"; and

(2) by adding at the end the following new subparagraph:

"(C) EXCEPTION FOR DEFENSE TRADE COOPERATION TREATIES.—

"(i) IN GENERAL.—The requirement to include a bilateral agreement in accordance with subparagraph (A) shall not apply with respect to an exemption from the licensing requirements of this Act for the export of defense items to give effect to any of the following defense trade cooperation treaties, provided that the treaty has entered into force pursuant to article II, section 2, clause 2 of the Constitution of the United States:


"(III) Trade Treaty or Scope.—The United States shall exempt from the scope of a treaty referred to in clause (1)—

"(I) complete rocket systems (including ballistic missile systems, space launch vehicles, and sounding rockets) or complete unmanned aerial vehicle systems (including cruise missile systems, target drones, and reconnaissance platforms capable of delivering at least a 500 kilogram payload to a range of 300 kilometers, and associated production facilities, software, or technology for these systems, as defined in the Missile Technology Control Regime Annex Category I, item 1; and

"(II) individual rocket stages, re-entry vehicles and equipment, solid or liquid propellant rockets, rocket motor guidance sets, thrust vector control systems, and associated production facilities, software, and technology, as defined in the Missile Technology Control Regime Annex Category III, item 2.

"(IV) defense articles and defense services listed in the Missile Technology Control Regime Annex Category II that are for use in rocket systems to which the term is used in such Annex, including associated production facilities, software, or technology;

"(V) defense articles and defense services specific to the design and testing of nuclear weapons which are controlled under United States Munitions List Category XV(a) and (b), along with associated defense articles in Category XV(d) and technology in Category XV(e);

"(VI) with regard to the treaty cited in clause (i)(I), defense articles and defense services that the United States controls under the United States Munitions List that are not controlled by the United Kingdom, as defined in the United Kingdom Military List or Annex 4 to the United Kingdom Dual Use List, or any successor lists thereto; and

"(VII) with regard to the treaty cited in clause (i)(II), defense articles for which Australian laws, regulations, or other commitments would prevent Australia from enforcing the control measures specified in such treaty.

SEC. 103. ENFORCEMENT.

(a) CRIMINAL VIOLATIONS.—Section 38(c) of such Act (22 U.S.C. 2778(c)) is amended by striking "this section or section 39, or any rule or regulation issued under either section" and inserting "this section, section 39, a treaty referred to in subsection (j)(1)(C)(i), any rule or regulation issued under this section or section 39, including any rule or regulation issued to implement or enforce a treaty referred to in subsection (j)(1)(C)(i) or an implementing arrangement pursuant to such treaty".

(b) ENFORCEMENT POWERS OF PRESIDENT.—

Section 38(e) of such Act (22 U.S.C. 2778(e)) is amended by striking "defense services," and inserting "defense services, including defense articles and defense services exported or imported pursuant to a treaty referred to in subsection (j)(1)(C)(i)."

(c) NOTIFICATION REGARDING EXEMPTIONS FROM LICENSING REQUIREMENTS.—Section 38(f) of such Act (22 U.S.C. 2778(f)) is amended by adding at the end the following new paragraph:

"(4) Paragraph (2) shall not apply with respect to an exemption from the licensing requirements of this Act pursuant to a treaty referred to in section 38(j)(1)(C)(i) that modifies the control measures specified in such treaty, unless the President shall notify the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate at least 15 days prior to the entry into effect of that amendment for which purpose such notification shall contain information comparable to that specified in paragraph (1) of this subsection.

SEC. 104. COMPLIANCE NOTIFICATION.

(a) RETRANSFERS AND REEXPORTS.—Section 3(d)(3)(A) of such Act (22 U.S.C. 2773(d)(3)(A)) is amended by inserting "or exported pursuant to a treaty referred to in section 38(j)(1)(C)(i) of this Act after "under this Act."

(b) DISCLOSURE.—Section 5(c) of such Act (22 U.S.C. 2775(c)) is amended by inserting "or any import or export under a treaty referred to in section 38(j)(1)(C)(i) of this Act after "under this Act."

(c) ADJUSTMENTS OF CUSTOMS SALES.—Section 25(a) of such Act (22 U.S.C. 2775(a)) is amended—

(1) in paragraph (1), by inserting "as” after "pursuant to a treaty referred to in section 38(j)(1)(C)(i) of this Act,” after “commercial exports under this Act,” and after "commercial exports under this Act,” as well as exports pursuant to a treaty referred to in section 38(j)(1)(C)(i) of this Act,” after “commercial exports,”

(d) PRESIDENTIAL CERTIFICATIONS.—

(1) EXPORTS.—Section 36(c) of such Act (22 U.S.C. 2776(c)) is amended by adding at the end the following new paragraph:

"(6) The President shall notify the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate at least 15 days prior to the entry into effect of that amendment for which purpose such notification shall contain information comparable to that specified in paragraph (1) of this subsection.

(2) COMMERCIAL TECHNICAL ASSISTANCE OR MANUFACTURING LICENSING AGREEMENTS.—

Section 36(d) of such Act (22 U.S.C. 2776(d)) is amended by adding at the end the following new paragraph:

"(6) The President shall notify the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate at least 15 days prior to the entry into effect of that amendment for which purpose such notification shall contain information comparable to that specified in paragraph (1) of this subsection.

(e) FEES AND POLITICAL CONTRIBUTIONS.—

Section 39(a) of such Act (22 U.S.C. 2779(a)) is amended—

(1) in paragraph (1), by striking "or" and inserting a semicolon;

(2) in paragraph (2), by inserting "or" after the semicolon; and

(3) by adding at the end the following new paragraph:

"(5) exports of defense articles or defense services pursuant to a treaty referred to in section 38(j)(1)(C)(i) of this Act.";

SEC. 105. LIMITATION ON IMPLEMENTING ARRANGEMENTS.

(a) IN GENERAL.—No amendment to an implementing arrangement pursuant to a treaty referred to in section 38(i)(1)(C)(i) of the Arms Export Control Act, as added by this Act, shall enter into effect for the United States unless the President shall adopt, and there is enacted, legislation approving the entry into effect of that amendment for the United States.

(b) COVERED AMENDMENTS.—

(1) IN GENERAL.—The requirements specified in subsection (a) shall apply to any amendment other than an amendment that solely addresses an administrative or technical matter. The requirements in subsection (a) shall not apply to any amendment that solely addresses an administrative or technical matter.

(2) U.S.-UK IMPLEMENTING ARRANGEMENT.—

In the case of the Implementing Arrangement Pursuant to the Treaty Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland Concerning Defense Trade Cooperation, signed at Washington February 14, 2008, amendments to which the requirements specified in subsection (a) apply shall include—

(A) any amendment to section 2, paragraph (2), or (3) of such Implementing Arrangement Pursuant to the Treaty, as the case may be,

(B) any amendment to the criteria governing operations, programs, and projects to which the treaty applies;
(B) any amendment to section 3, paragraphs (1) or (2) that modifies the criteria governing end-use requirements and the requirements for approved community members providing to United States Government solicitations;
(C) any amendment to section 4, paragraph (4) that modifies the criteria for including items on the list of defense articles exempt from the treaty;
(D) any amendment to section 4, paragraph (7) that modifies licensing and other applicable requirements relating to items added to the list of defense articles exempt from the scope of the treaty;
(E) any amendment to section 7, paragraph (4) that modifies the criteria for eligibility in the approved community under the treaty for nongovernmental United Kingdom entities and facilities;
(F) any amendment to section 7, paragraph (9) that modifies the conditions for suspending or removing a United Kingdom entity from the approved community under the treaty;
(G) any amendment to section 7, paragraphs (11) or (12) that modifies the conditions governing end-use requirements relating to items added to the list of defense articles exempted under the treaty;
(H) any amendment to section 9, paragraphs (1), (3), (7), (8), (9), or (12) that modifies the circumstances under which United States Government approval is required for the re-transfer or re-export of a defense article, or to exceptions to such requirement; and
(I) any amendment to section 11, paragraph (4)(b) that modifies conditions of entry to the United Kingdom community under the treaty.
(3) U.S.—A USTRALIA IMPLEMENTING ARRANGEMENT Pursuant to the Implementing Arrangement under the Treaty Between the Government of the United States of America and the Government of the Australia Concerning Defense Trade Cooperation, signed at Washington March 14, 2008, amendments to which the requirements specified in subsection (a) apply shall include:
(A) any amendment to section 2, paragraphs (1), (2), or (3) that modifies the criteria governing operations, programs, and projects that are subject to the treaty;
(B) any amendment to section 3, paragraphs (1) or (2) that modifies the criteria governing end-use requirements and the requirements for approved community members responding to United States Government solicitations;
(C) any amendment to section 4, paragraph (4) that modifies criteria for including items on the list of defense articles exempt from the scope of the treaty;
(D) any amendment to section 4, paragraph (7) that modifies licensing and other applicable requirements relating to items added to the list of defense articles exempt from the scope of the treaty;
(E) any amendment to section 6, paragraph (4) that modifies the criteria for eligibility in the approved community under the treaty for nongovernmental Australian entities and facilities;
(F) any amendment to section 6, paragraph (9) that modifies the conditions for suspending or removing an Australian entity from the Australia community under the treaty;
(G) any amendment to section 6, paragraphs (13), (14), or (15) that modifies the conditions under which individuals may be granted access to defense articles exported under the treaty;
(H) any amendment to section 9, paragraphs (1), (2), (4), (7), or (8) that modifies the circumstances under which United States Government approval is required for the re-transfer or re-export of a defense article, or to exceptions to such requirement; and
(I) any amendment to section 11, paragraph (6) that modifies the criteria for entry to the Australian community under the treaty.

(c) CONGRESSIONAL NOTIFICATION FOR OTHER AMENDMENTS TO IMPLEMENTING ARRANGEMENT Pursuant to the Implementing Arrangement to which any amendment to an implementing arrangement to which subsection (a) does not apply shall take effect, the President shall provide to the House of Representatives and the Committee on Foreign Affairs of the House of Representatives a report containing—
(1) the text of the amendment; and
(2) an analysis of the amendment's effect, including an analysis regarding why subsection (a) applies.

SEC. 106. IMPLEMENTING REGULATIONS.

The President is authorized to issue regulations pursuant to the Arms Export Control Act (22 U.S.C. 2751 et seq.), to implement and enforce the Treaty Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland Concerning Defense Trade Cooperation, done at Washington and London on June 21 and 26, 2007 (and any implementing arrangement thereto) and the Treaty Between the Government of the United States of America and the Government of Australia Concerning Defense Trade Cooperation, done at Sydney, September 5, 2007 (and any implementing arrangement thereto), consistent with other applicable provisions of the Arms Export Control Act, as amended by this Act, and with the terms of any resolution of advice and consent adopted by the Senate with respect to either treaty.

SEC. 107. RULE OF CONSTRUCTION.


TITLE II—AUTHORITY TO TRANSFER NAVAL VESSELS

SEC. 201. SHORT TITLE.

This title may be cited as the “Naval Vessels Transfer Title.”

SEC. 202. TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN RECIPIENTS.

(a) TRANSFERS BY GRANT.—The President is authorized to transfer vessels to foreign countries on a grant basis on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), as amended by section 12001(d) of the Defense Appropriations Act, 2005.—Section 12001(d) of the Department of Defense Appropriations Act, 2005 (Public Law 108-287; 118 Stat. 1011) is amended by striking “more than 4 years after” and inserting “more than 5 years after”.

(b) FOREIGN ASSISTANCE ACT OF 1961.—Section 516(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321b(b)(2)(A)) is amended by striking “more than 4 years after” and inserting “more than 5 years after” and “2007” and inserting “2011”.

THE SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. Berman) and the gentleman from California (Mr. Biliray) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. Berman).

Mr. Berman. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise...
and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BERMAN. Mr. Speaker, I rise in strong support of this bill, and I yield myself such time as I may consume.

Mr. BERMAN. Mr. Speaker, I rise in strong support of this bill. I want to point out that the British, we might have had a couple of run-ins with the British every once in a while over the last few centuries, but the only country, the only country that fought in every war in the last century and this last century alongside the United States is Australia, and those men and women from Australia.

I am very proud to be able to serve here in Congress and be able to support this legislation. I think that we just have to remember that too often we take our allies for granted, our truly close friends, who are close to us in many ways. But in some of us, it is closed relations, and I hope that somewhere I can be able to stick this to my cousins in Queensland, Australia, and point out that I was here to at least speak in favor of this bill.

In closing, I yield the balance of my time to the gentleman from New Jersey (Mr. SMITH), and I ask unanimous consent that he be allowed to continue.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. SMITH of New Jersey. Mr. Speaker, I rise in support of this important national security measure. Mr. Speaker, this legislation is comprised of three components. First, it authorizes the transfer of certain naval vessels to U.S. friends and allies abroad, including India, Greece and Taiwan. It also includes language previously adopted by the House that strengthens the U.S. commitment to the security of the Jewish state of Israel by expediting the process for approving foreign military sales to that country and by extending the dates and the amounts of U.S. excess equipment that can be transferred to Israel from regional stockpiles.

Thirdly, it provides a statutory basis for the President to implement defense trade cooperation treaties signed between the government of the United States and the governments of the U.K. and Australia. These treaties represent a fundamental shift in the way the United States conducts defense trade with its closest allies.

Rather than reviewing export licenses on a case-by-case basis, the United States, the United Kingdom and Australia where such trade is in support of combined military and counterterrorism operations, joint research and development, production and support programs, and mutually agreed upon projects where the end user is the U.K., the Australian Government, or U.S. Government end-users.

Mr. Speaker, I yield back the balance of my time.

Mr. BILBRAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the chairman’s request on this item. Let me say as probably the only Member of Congress of Australian ancestry, I want to point out that the British, we might have had a couple of run-ins with the British every once in a while over the last few centuries, but the only country, the only country that fought in every war in the last century and this last century alongside the United States is Australia, and those men and women from Australia.

I am very proud to be able to serve here in Congress and be able to support this legislation. I think that we just have to remember that too often we take our allies for granted, our truly close friends, who are close to us in many ways. But in some of us, it is closed relations, and I hope that somewhere I can be able to stick this to my cousins in Queensland, Australia, and point out that I was here to at least speak in favor of this bill.

In closing, I yield the balance of my time to the gentleman from New Jersey (Mr. SMITH), and I ask unanimous consent that he be allowed to continue.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?
criminality when that parent or relative abducts the child into Japan, but has prosecuted cases of foreign nationals removing Japanese children from Japan;

Whereas the United States Department of State’s April 2009 Report on Compliance with the Hague Convention on the Civil Aspects of International Child Abduction sets forth serious concerns that are at the root of Japan’s national image with the United States:

Whereas the United States Department of State, the United States Armed Forces, and the Department of Defense have all been called upon by the Government of the United States to facilitate the identification and location of children being held in Japan against the wishes of their United States parents;

Whereas the United States Armed Forces, particularly those stationed in Japan by the Department of Defense, the Department of Justice, and other government agencies to ensure that effective and timely assistance is given to United States citizens abduction or access issue reported to the United States Department of State;

Whereas left-behind parents may encounter substantial psychological, emotional, and financial problems, and many may not have the financial resources to pursue civil or criminal remedies for the return of their children in foreign courts or political systems;

Whereas, on October 16, 2009, the Ambassadors to Japan of Australia, Canada, France, Italy, New Zealand, Spain, and the United States, the Chargé d’Affaires ad interim of Canada and Spain, and the Deputy Head of Mission of Italy, called on Japan’s Minister of Foreign Affairs, submitted their concerns over the increase in international parental child abduction and wrongful retention of United States citizen children in Japan; and

Whereas the Government of Japan has recently created a new office within the Ministry of Foreign Affairs to address parental child abduction and a bilateral commission with the Government of the United States to share information on and seek resolution of outstanding Japanese parental child abduction cases; and

Whereas it is critical for the Governments of the United States and Japan to work together to prevent future incidents of international parental child abduction to Japan, which damages children, families, and Japan’s national image with the United States: Now, therefore, be it

Resolved, That—

(1) the House of Representatives—

(A) condemns the abduction and wrongful retention of all children being held in Japan away from their United States parents;

(2) calls on the Government of Japan to immediately facilitate the resolution of all abduction cases, to recognize United States court orders concerning persons subject to jurisdiction of United States courts, and to make immediately possible access and communication for all children with their left-behind parents;

(3) calls on the Government of Japan to include Japan’s Ministry of Justice in work to address parental child abduction or access issue reported to the United States Department of State;

(4) calls on Japan to accede to the 1980 Hague Convention on Civil Aspects of International Child Abduction without delay and to promptly establish judicial and enforcement procedures to facilitate the immediate return of children to their habitual residence and to identify and implement measures to recognize rights of parental access; and

(5) calls on the President of the United States and the Secretary of State to continue raising the issue of abduction and wrongful retention of those United States citizen children in Japan with Japanese officials and domestic and international press; and

(2) it is the sense of the House of Representatives that the United States should—

(A) recognize the issue of child abduction and retention of United States citizen children in Japan as an issue of paramount importance to the United States within the context of its bilateral relationship with Japan;

(B) work with the Government of Japan to enact consular and passport procedures and legal agreements to prevent parental abduction to and retention of United States citizen children in Japan;

(C) review its advisory services for members of the United States Armed Forces, particularly those stationed in Japan by the Department of Defense and the United States Armed Forces, to ensure that preventive education and timely legal assistance are made available; and

(D) call upon the Secretary of State to establish procedures with the Government of Japan to resolve immediately any parental child abduction or access issue reported to the United States Department of State.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. Berman) and the gentleman from New Jersey (Mr. Smith) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENTLEMAN FROM CALIFORNIA Mr. Berman. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the gentleman from California?

There was no objection.

Mr. Berman. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am in strong support of this resolution. It is a bipartisan resolution, and if I might just take a second to mention that the two real leaders in the movement to this resolution and in pushing the underlying issue, a very important issue in the United States and in the United States Armed Forces, are on the floor, both I believe to speak on this resolution.

What it does is it addresses the abduction of American citizen children to Japan, as you might imagine, a very, very important issue for the families involved and for the governments of both the United States and Japan.

Japan is a vital part of the United States, and the Government of Japan to the United States Department of State.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Connecticut.

Mr. Berman. Mr. Speaker, I urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. Smith. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all let me thank Chairman Berman and LIEZENBERG, our Ranking Member, for their leadership in helping to shepherd this legislation to the floor today, and I want to thank my good friend and colleague Mr. ORR for his sponsorship. I am very proud to join him as the original cosponsor of this very important and very timely resolution.

You know, Mr. Speaker, last year we learned and really the country learned a great deal about this growing problem of international parental child abduction to Japan, as you might imagine, a very important issue in the United States and Japan.

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appeal to the government of Japan to end its complicity and/or its indifference to international child abduction.

Frankly, Mr. Speaker, American pati-
tune has finally run out. At present, at least 136 American children are being held in Japan against the wishes of their American parent, and in many cases, in violation of valid U.S. court orders. According to the Department of Defense, in 2009 alone—and we just got this by way of a report—10 American children were abducted to Japan from members of the U.S. Armed Forces. That’s in 2009 alone. It is simply unac-
ceptable and unconscionable that today Japan still has no mechanism to equitably issue and enforce a return or visitation order for children. It is intoler-
able that the lawless and damaging act of child abduction goes unpunished in a civilized nation. When an Amer-
ican parent who has taken every legal precaution to ensure their child is not abducted realizes that his or her child has disappeared, their heart breaks and a lifelong and often pleading for action by both the U.S. and the Japanese Government begins.

Patrick Braden is one such father. Mr. Braden took every possible legal precaution to protect his daughter from abduction. He was awaiting to maintain his presence in her life as her father. How-
ever, in 2006, Mr. Braden’s infant daughter, Melissa, was abducted from her home by her mother, in violation of a Los Angeles Superior Court order giving the Bradens access to their child and prohibiting international travel with the child by either parent. Mr. Braden had been unjustly cut off from his daughter by the covert illegal actions of the mom and daily worries that his daughter was being abused by a grandparent who has a history of such abuse.

Likewise, Sergeant Michael Elias hopes and waits and pleads with two governors and a Department of Defense, and the Japanese Government, because we haven’t done enough to work out some way of reuniting his family. While sta-
tioned in Japan, he met the woman who would become his wife. She came to the United States and they were married in New Jersey in 2005. Jade was born in 2006 and Michael in 2007. Sadly, his wife started an affair while Michael was on active duty in Iraq. Their marriage came to an end in 2009, with a judge granting both par-
ents custody and requiring the surre-
der of the children’s American and Japanese passports because their moth-
ern had threatened to abduct the chil-
dren. Tragically, the Japanese cons-
ulate in Nashville, Tennessee passed over the children in violation of the valid U.S. court orders restricting travel and in violation of U.S. federal criminal pa-
rental kidnapping statutes. Sergeant Elias has not seen his children since 2006. The Japanese Government has done nothing to assist in their return or in the return of Patrick Braden’s daughter.

And the list goes on. Chris Savoie’s children, Isaac and Rebecca Savoie, were abducted in 2009 to Japan by their mother, in violation of a Tennessee State order of joint custody and in vio-
lation of Tennessee statutes. As a re-

sult of the new actions, Mr. Savoie has been awarded sole custody of the children, but Japan will not rec-
ognize either the joint custody or the sole custody award. Although Chris is the children’s father, the Japanese Government will not enforce any ac-
cess or communication with his chil-

dren.

Mr. Speaker, for 50 years we have seen all talk and no action on the part of the Japanese Government. Japan has never issued and enforced a legal decision to return a single American child. The circumstances of each par-
ticular abduction seem not to matter. Once in Japan, the abducting parent is untouchable and the children are bereft of their American parent for the rest of their lives. With children in Canada, Italy, New Zealand, Spain, and the United Kingdom have all repeatedly asked Japan to work with them on returning their abducted children. Japan’s inac-

tion on the issue is a thorn in the side of their relations with the entire inter-
national community.

Japan’s current inaction violates its duties under the International Cov-

enant on Civil and Political Rights Article 23, completely and unjustly ignor-
ing the American parent’s request. H. Res. 1326 calls upon Japan to immi-
diately and urgently establish a proc-

ess for the resolution of abduction and wrongful detention of American chil-

dren. Japan must find the will to estab-
lish today a process that would justly and equitably end the cruel separation currently endured by parents and chil-


dren alike.

H. Res. 1326 also calls on Japan to join the Hague Convention on the Civil Aspects of International Child Abduc-
tion. The Convention sets out the international norms for resolution of abduction and wrongful retention cases and would create a framework to quickly resolve future cases—and would act as a deterrent to parents who now feel that they can abduct their child to Japan and never be caught. In light of the misuse of Japa-
nese consulates in the Elias case, H. Res. 1326 also calls on Japan to ensure that their courts do not act as accessories to parental kidnapping. Japan must put into place a system that stops the issuing or reissuing of passports with-

out the explicit and verifiable consent of the American parent.

Finally, Japan must recognize the ter-
rible damage to children and fami-
lies caused by international child ab-
duction. Children who have suffered an abduction are at risk of serious emo-
tional and psychological problems and have been found to experience anxiety, eating problems, mood swings, sleep disturbances, aggressive behavior, resentment, guilt, and fear-

fulness, and as adults may struggle

with identity issues, their own per-
sonal relationships, and parenting.

I urge my colleagues to support H.
Res. 1326, calling on Japan to end the child abuse of international child ab-
duction. I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from Ten-
essee will control the time.

There was no objection.

Mr. TANNER. Mr. Speaker, I am pleased at this time to yield 10 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker,

I thank my friend from Tennessee; I thank my colleague from New Jersey (Mr. SMITH); and, of course, Chairman BERMAN.

Mr. Speaker, the United States and Japan have a strong and critical alli-

ance. It is based on shared interests and values and our common support for political and economic freedoms, human rights, and international law. Japan, for example, is second to none in promoting President Barack Obama’s vision of a “world without nu-
clear weapons,” and advocating for nu-
clear disarmament and nonprolifera-
tion. Japan has also recently doubled its civilian aid to Afghanistan, helping in our mission there to a great and im-
portant extent.

But, Mr. Speaker, this resolution in-
volves 214 cases involving more than 300 American children who have been ab ducted to Japan and/or wrongfully retained in Japan. These American children are in Japan be-
cause they were kidnapped by a parent with Japanese citizenship. Despite a shared concern within the inter-
national community, the Japanese Government has yet to adhere to the 1980 Hague Convention on the Civil As-
pects of International Child Abduction or create any other mechanism to re-
solve international child abductions.

Japan has also recently doubled its civilian aid to Afghanistan, which dates back to the 1600s, neither recognizes joint custody nor actively enforces parental access agreements that have been adjudicated by United States courts. Essentially, American parents must beg to see their abducted children and have no legal recourse if the taking parent decides to deny them access. That’s wrong. In no case has the Japanese Government facilitated the return to a parent outside their country.

So the intent of this resolution is to bring the plight of these parents to the forefront of the public consciousness. It calls on the Japanese Government to ratify the 1980 Hague Convention on the Civil Aspects of International Child Abduction so that Japan will commit to a process that will return abducted children to their custodial parent in the United States and elsewhere, where appropriate, or otherwise immediately at least allow access to their non-Japa-

nese parent.

The Japanese Government doesn’t consider it a crime and will not prose-
cute a Japanese citizen that abducts a

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Japan does, however, prosecute cases of foreign nationals who remove Japa-
nese children from Japan, which vio-
lates any basic sense of fairness. So they apply a different law if somebody
abducts a child from Japan than they apply if somebody abducts a child from
the United States or from another for-
egn foreign country and brings the child to
Japan, where they have haven from the
law. It is infuriating to learn, frankly,
that Japanese officials have issued travel
documents and passports to these abductors in defiance of pre-
viously established U.S. custody or-
ders. In some cases, they have given
false names to the children being kid-
napped to Japan, issuing false pass-
ports so that they are directly
complicit in these abductions.

Now, there are numerous heart-
breaking abductions. Yet the stories are able just going to mention a few because

Mr. SMITH went into several.

One case, though, in particular, which I want to underscore involves a
case from my district in Virginia, which is right across the river from the Nation’s Capital. It involves a Japa-
nese mother who, for fear of what
might happen to her child, has to re-
quest that her name not be used. Her
husband, who is not Japanese, fled to Japan because he is a lawyer, and he knew
that he would find safe haven from Virginia court orders in violation of U.S. law. So, here, he kidnapped a
child from a Japanese mother, knowing that he could take the child to Japan
and that he would find haven there from a court under U.S. law and not even have to allow access of the
child to the mother.

It gets even worse.

Despite having no contact with her children, this woman has to continue to pay child support, and the address
on the payment statement is the only connection she has with her children.

That is wrong.

Mr. SMITH mentioned the Braden
case. Melissa Braden was secretly ab-
ducted to Japan in 2006 by her
mother and brought to Japan in viola-
tion of previous Los Angeles Superior
Court orders, which gave both parents access to the child and prohibited
international travel with the child by either parent. The mother then
abducted the child to Japan. Both children have been denied access by the father. So her fa-
thor is living and wants to be with his
child. The mother is deceased, and he
can’t even see the child because of the protection provided by the Japanese
Government.

There is the case of Isaac and
Rebecca Savoie. This was mentioned by

Mr. SMITH. They were abducted just
last year by their mother in violation of a Tennessee State court order. You
shouldn’t be able to have a Tennessee State courts. In violation of a Ten-
nessee State court order of joint cus-
tody and Tennessee statutes, they were
taken to Japan. Both children have been
denied any communication by and
access to their father. So the mother
is holding them in Japan, and the father
cannot have access to either child even
even though the court has ordered it.

There is one other case. Again, this is
typical of so many other cases—more
than 100. Lastly, the Ellis—a one
child aged 4. The father ab-
ducted just about a year and a half ago,
in December of 2008, from New Jersey. It
was in violation of another court order prohibiting the removal of the
children from the State of New Jersey.

Yet the father is being held by her
now-deceased mother. So the mother is
protected by the Japanese Govern-
ment.

violation of court orders, and she is

forced to give up.

These parents are not going
to give up. They have their efforts.

We need the tools at the State De-
partment, at the Office of Children’s
Issues, to more effectively promote the
interests of American parents and of
American abducted children. I’ve intro-
duced legislation, and my good friend
JIM MORAN is one of the cosponsors. It is
legislation which would comprehen-
sively give the Administration real
tools to make our government-to-
government fight rather than a David
versus Goliath fight, where it is one in-
dividual fighting a court system and a
government in a faraway land.

Paul Toland walked into my office, who is JIM MORAN’s constituent—he
walked into his office as well—and we have both been trying to help him.

He is a man who served honorably as a
commander in the United States Navy; and for over 6 years, close to 7 years, he has not seen his daughter. As
my good friend and colleague pointed out, the grandmother has custody. Just
like David Goldman, his wife had
passed away, the man whose son was
abducted to Brazil, and somebody else
could have custody of his child. Paul Toland’s
case is similar.

Patrick Braden invited me down to
the Japanese Embassy. I have to tell
you, as a father of four, I was moved to tears when a group of left-behind par-
ents and people concerned about left-
behind parents and abducted children gathered in front of the Japanese Emb-
assy.

So what did Patrick do?

Can you imagine fighting a court order
in a foreign country and being compelled to
abduct a child from your parents and your
child having custody in a faraway
land. What could Patrick do to
resolve this?

This has to be resolved, Mr. Speaker.

We need our President, our Secretary of State and the Congress to get behind
these left-behind parents and to get be-
hind bringing back our abducted chil-
dren. If there is a custody issue, resolve it in the courts of habitual residence.

That’s where those custody issues
need to be fought out, not in a land like Japan where a child is treated
with kid gloves and actually embraced. I
said previously, “with indifference.”

Sometimes I wonder if it’s indifference
in the way the Japanese Government deals with this. They are a safe harbor for child abductors, and that brings dishonor to the government, in my opinion.

Mr. MORAN of Virginia. Will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman.

Mr. MORAN of Virginia. I appreciate your mentioning Mr. Toland. He, for 2 years, has worked with our office day in and day out. He will not give up on his child, but he has made it clear we now are his only hope and that of more than 100 parents who are desperate to see their children. They have been denied. Thank you for particularly mentioning Mr. Toland.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SMITH of New Jersey. I yield myself the balance of my time to conclude.

I want to thank my friend for his leadership on this. This is a bipartisan issue. This is a human rights issue of American parents and of American children. We rightfully speak out on human rights abuses in China and Darfur and all over the world wherever and whenever they occur. This is a human rights abuse that’s occurring against our own families, and our government—and this goes through successive administrations, Republican and Democrat—does not do enough.

You know, I don’t think how many you have ever seen that Seinfeld episode with the Penske file which gets moved around from left to right and George doesn’t do anything of, really, substance with it. We have very good people at the State Department who have these files in hand that would love to do more but they lack the tools. They lack the ability authorized by this Congress and by law to take it to the next level.

This is a government-to-government fight. Had it not been for the Congress rallying around David Goldman, they would still be in Brazil today because there would have been another appeal in the court and another appeal. They run out the clock and then the child is an adult. That’s what is happening to all 2,800 American abducted children. The abductors are playing a game, a very dangerous game; and in Japan, as Mr. MORAN and I know so well, it can be a full house.

Our government has to get serious. This resolution puts all of us on record and says we mean business. This is only the first step.

Mr. FALASYMAVAEGHA. Mr. Speaker, I rise today to express my support and sympathy for U.S. parents who are not able to see their children, when those children are in the custody of other family members in another country. I am committed to doing everything I can to help these parents be reunited with their children. As a member of the subcommittee, I believe strongly that if we adopt H. Res. 1326 today, we will extend the progress that has been made by our Government and the Government of Japan on this extremely important matter.

On April 5, I cosigned a letter to Japan’s Foreign Minister, a letter authored by our Committee’s distinguished Chairman, Mr. Berman, requesting that the Government of Japan provide us a status report on its actions in this matter. Then, on May 12, I chose to cosponsor H. Res. 1326.

My intention was—by cosigning the Chairman’s letter and co-sponsoring this resolution—to provide additional incentive to the Government of Japan to work with our government in trying to find ways to bring U.S. parents together with their children in Japan. I am pleased to inform you that in the past four months—thanks in large part to the leadership and dedication of my colleagues and friends, Mr. MORAN and Mr. SMITH—significant progress has been made. In that time, the Government of Japan has taken serious steps to address this matter and to lay the groundwork for an ongoing process, in close cooperation with the Government of the United States.

On August 11, I received a copy of Japan’s response to our letter. The response makes it clear that the matter remains to be done by both of our governments, but the response also shows Japan has certainly taken some significant first steps.

I seek unanimous consent to submit for the Record a copy of Japan’s response describing three areas of progress and specificity. It reflects a willingness by the Government of Japan first to reorganize itself to deal more effectively with this matter and, even more importantly, a clear readiness to take concrete actions to prevent future cases where parents are unable to be with their children.

For these reasons, it is very clear that the Government of Japan is taking seriously the expressions of concern from Members of this body, and I believe those efforts should be recognized.

EMBASSY OF JAPAN,
Washington, DC.

HON. ERIE F. FALASYMAVAEGHA,
House of Representatives;
Washington, DC.

DEAR CHAIRMAN FALASYMAVAEGHA: I am sending this letter under the instruction of Minister for Foreign Affairs of Japan in response to your letter dated April 5th, 2010.

The child custody issues are complex and each parent may claim his/her own assertion. The Government of Japan is making sincere efforts to deal with this issue, from the standpoint that the welfare of the child should be of utmost importance. We are well aware of and sympathetic to the plight of children and families who have been affected by unfortunate child custody disputes involving Japanese and American citizens.

The current situation of the Ministry of Foreign Affairs is in close contact with their counterparts in the Ministry of Justice to address this issue. As for the Hague Convention, the Government of Japan was informed by Prime Minister Hatoyama. Aside from the Convention, we are also discussing possible ways for the consular officers of the U.S. in Japan and the U.S. to claim their children were taken to Japan to have better access to their children.

Please find attached an information sheet that summarizes the points included in your letter. The Ministry will continue to have close consultation with the State Department on this issue. I would appreciate your kind understanding and your support towards our continued efforts.

Sincerely,

ICHIRO FUJISAKI,
Ambassador Extraordinary and Plenipotentiary of Japan to the United States of America.

“We understand that your government established a new Office of Child Custody within the Foreign Ministry. We would like to learn more about the following: who and how many staff are dedicated to this office; the mission of the office and duties of its staff; and how this new office intends to address the cases and resolve existing cases of international parental child abduction.”

The Ministry of Foreign Affairs established the Division for Issues related to Child Custody in December 2009. The Division is to supervise various efforts regarding child custody issues within the Ministry of Foreign Affairs.

The Division was established within the Foreign Policy Bureau, which is the head bureau in the Ministry. The Foreign Policy Coordinator is assigned to be the Division’s director. The staff, including officials of the related divisions, are assigned to the Division and a full time staff was added in May 2010 to strengthen its function.

The Division is closely working with related divisions on major issues related to international child custody. For example, the Division is coordinating following endeavors in the Ministry of Foreign Affairs; considering the possibility of joining the Hague Convention; informing Japanese nationals residing in foreign countries of local laws and regulations; and considering possible measures to facilitate consular visits and child visitations, etc. Also, the Division is working on facilitating discussions with related ministries like the Ministry of Justice, timely explaining developments on international child custody, for example, the Division is cooperating with the Japan Federation of Bar Associations to hold a symposium on the Convention.

The Hague Convention process of the Hague Convention, existing cases of cross-border removal of children have to be addressed, including visitation issues. As a part of such an effort, we established a US-Japan consultative group and started the discussion.

Under the current Japanese legal system, the Japanese government does not have the authority to order or instruct a parent who is alleged to have taken away a child to permit his or her child to meet with the child’s other parent. Under the current law, the Japanese government can only cooperate with the U.S. or other countries, and not take any active measures. Meanwhile, regardless of their nationalities, under Japanese law, parents who claim their children were taken improperly may seek redress—including possible consular visits of their children and their children’s return or asserting other rights regarding their children, like visitations—by availing themselves of established procedures (conciliation/determination) based on the Hague Convention. Moreover, under Japanese law, parents who claim their children were taken improperly may seek redress—including possible consular visits of their children and their children’s return or asserting other rights regarding their children, like visitations—by availing themselves of established procedures (conciliation/determination) based on the Hague Convention. In instances where a party violates an agreement regarding custody, the other party or the party who and how staff are dedicated to this office; the mission of the office and duties of its staff; and how this new office intends to address the cases and resolve existing cases of international parental child abduction.”

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are some restrictions from the viewpoint of the child’s best interest, the parties may request the family court to force direct compliance or order compulsory payment to enforce the return of children and visitation were successfully implemented under the current system.

In addition, there have been cases where U.S. officials were unable to resolve child custody matters but sought and received assistance from Ministry of Foreign Affairs of Japan (MOFA). In these instances, MOFA has made diligent and even intensive efforts to convey the U.S. government’s request to the Japanese parents in question and/or their lawyers through all appropriate measures, including making telephone calls and sending letters. Because parents, children and their families usually have very complicated feelings in such matters, the Ministry’s contacts are often rejected at first. However, the MOFA officials made repeated efforts to contact them and to hold sincere talks with them. In the MOFA consultative group, we would like to exchange information about the current situation regarding consular visits and child visitations and discuss effective and appropriate means and methods and points to be improved with regard to these systems.

Mr. SMITH of New Jersey. I yield back the balance of my time.

Mr. TANNER. I yield back the balance of my time. Mr. Speaker.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. Berman) that the House suspend the rules and agree to the resolution, H. Res. 1326, as amended.

Mr. TANNER. Mr. Speaker, I move to suspend the, rules and agree to the resolution. H. Res. 1326, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MORAN of Virginia. Mr. Speaker, on the motion offered by the gentleman from California (Mr. Berman) that the House suspend the rules and agree to the resolution, H. Res. 1326, as amended.

The ayes and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair’s prior announcement, further proceedings on this motion will be postponed.

CALLING ON TURKISH- OCCUPIED CYPRUS TO PROTECT RELIGIOUS ARTIFACTS

Mr. TANNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1631) calling for the protection of religious sites and artifacts from and in Turkish-occupied areas of northern Cyprus as well as for general respect for religious freedom.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. Res. 1631

Whereas the Government of Turkey invaded the northern area of the Republic of Cyprus on July 20, 1974, and the Turkish military continues to illegally occupy the territory to this day.

Whereas the Church of Cyprus has filed an application against Turkey with the European Court of Human Rights for violations of freedom of religion and association as Greek Cypriots in the occupied areas are unable to worship freely due to the restricted access to religious sites and continued destruction of the property of the Church of Cyprus.

Whereas according to the United Nations-brokered Vienna III Agreement of August 2, 1975, “Greek-Cypriots in the north of the island will be given every help to lead a normal life, including facilities for education and for the practice of their religion...”

Whereas according to the Secretary General’s Report on the United Nations Operation in Cyprus in June 1996, the Greek Cypriots living in the northern part of the island “were subjected to severe restrictions and limitations in many basic freedoms, which had the effect of ensuring that in the course of time, the communities would cease to exist.”

Whereas the very future and existence of historic Greek Cypriot, Maronite, and Armenian communities are now in grave danger of extinction;

Whereas the Abbot of the Monastery of the Apostle Barnabas is routinely denied permission to enter the monastery because the monastery of the founder of the Church of Cyprus and the Bishop of Karpass has been refused permission to perform the Easter Service for the few envelopes people in his occupied diocese;

Whereas there are only two priests serving the religious needs of the enclosed in the Karpass peninsula. Among them are not allowed access to any of their religious sites or income generating property, and Maronites are unable to celebrate the mass daily in many churches;

Whereas in the past Muslim Alevi were forced out of their place of prayer and until recently were denied the right to build a new place of worship;

Whereas under the Turkish occupation of northern Cyprus, religious sites have been systematically destroyed and a large number of religious and archaeological objects illegally looted, exported, and subsequently sold or traded in international art markets, including an estimated 16,000 icons, mosaics, and mural decorations stripped from most of the churches, and 60,000 archaeological items dating from the 6th to 20th centuries;

Whereas according to the European Court of Human Rights in its judgment in the case Cyprus v. Turkey of May 10, 2001, Turkey of Human Rights in its judgment in the case "Cyprus and Violations of International Law" for the U.S. Helsinki Commission details what obligations the Government of Turkey has as the occupying power in northern Cyprus for the destruction of religious and cultural property there under international law; whereas according to the United Nations-brokered Vienna III Agreement of August 2, 1975, Turkey undertakes to "Prohibit, prevent and, if necessary, put a stop to any form of theft, pillage or misappropriation of any acts of vandalism directed against cultural property";

Whereas according to the 1970 United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Protection of Cultural Property in the Northern Part of Cyprus and Violations of International Law the U.S. Helsinki Commission details what obligations the Government of Turkey has as the occupying power in northern Cyprus for the destruction of religious and cultural property there under international law; whereas under the Hague Convention of 1954 for the Protection of Cultural Property During Armed Conflict, of which Turkey is a party, states in article 4(3) that the occupying power undertakes to "Prohibit, prevent and, if necessary, put a stop to any form of theft, pillage or misappropriation of any acts of vandalism directed against cultural property";

Whereas according to the 1970 United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Protection of Cultural Property in the Northern Part of Cyprus and Violations of International Law" for the U.S. Helsinki Commission details what obligations the Government of Turkey has as the occupying power in northern Cyprus for the destruction of religious and cultural property there under international law; whereas in 2009, the Church of Cyprus v. Turkey was unsuccessful in the European Court of Human Rights in its judgment in the case said that "a thief cannot pass any right of ownership to another";

Whereas in March 2008, President Talat agreed to the setting up of a “Technical Committee on Cultural Heritage” with a mandate to engage in “serious work” to...
Whereas this Committee was developing a resolution that was introduced by the Honorable Chris Smith, Ranking Member of the House Committee on International Relations.

WHEREAS, on July 16, 2002, and again in 2007, the United States and the Government of the Republic of Cyprus signed a Memorandum of Understanding to impose import restrictions on categories of Pre-Classical and Classical archaeological objects, as well as Byzantine period ecclesiastical and ritual ethnological materials, from Cyprus; Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses appreciation for the efforts of those countries that have restored religious property wrongly confiscated during the Turkish occupation of northern Cyprus.

(2) welcomes the efforts of many countries to address the complex and difficult question of the status of illegally confiscated religious and cultural property in Cyprus, and urges these countries to continue to ensure that these items are restored to the Republic of Cyprus in a timely, just manner;

(3) welcomes the initiatives and commitment of the Government of Cyprus to work to restore and maintain religious heritage sites;

(4) urges the Government of Turkey to—

(A) immediately implement the United Nations Security Council Resolutions relevant to Cyprus as well as the judgments of the European Court of Human Rights;

(B) work to retrieve and restore all lost artifacts and immediately halt destruction on religious sites, illegal archaeological excavations, and traffic in icons and antiquities; and

(C) allow for the proper preservation and reconstruction of destroyed or altered religious sites and immediately cease all restrictions on freedom of religion for the enclaved Cypriots;

(5) calls on the United States Commission on International Religious Freedom to address the concerns and actions called for in this resolution and so many other important issues.

(6) calls on the President and the Secretary of State to include information in the annual International Religious Freedom and Human Rights Reports that detail the violations of religious freedom and humanitarian law including the continuous destruction of property, lack of justice in restitution, and restrictions on access to holy sites and the ability of the enclaved to freely practice their faith;

(7) calls on the State Department Office of International Religious Freedom to address the concerns and actions called for in this resolution with the Government of Turkey, OSCE, the United Nations Special Rapporteur on Freedom of Religion or Belief, and other international organizations or foreign governments;

(8) urges OSCE to ensure that member states do not receive stolen Cypriot art and antiquities; and

(9) urges OSCE to press the Government of Turkey to abide by its international commitments by calling on it to work to retrieve and restore all lost artifacts, to immediately halt destruction on religious sites, illegal archaeological excavations, and traffic in icons and artifacts, to pursue measures for the protection and reconstruction of destroyed or altered religious sites, and to immediately cease all restrictions on freedom of religion for the enclaved Cypriots.

The SPEAKER pro tempore. The gentleman from Tennessee (Mr. TANNER) and the gentleman from New Jersey (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

MR. TANNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of thegentleman from Tennessee?

There was no objection.

Mr. TANNER. Mr. Speaker, I rise in support of this legislation.

One of the most tragic aspects of Turkey’s 1974 invasion of Cyprus and subsequent occupation of the northern part of that country has been the desecration and destruction of religious property, primarily Greek Orthodox, and other manifestations of contempt for freedom of worship.

I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may choose to the author of the resolution, the gentleman from Florida (Mr. BILIRAKIS), a member of the committee.

Mr. BILIRAKIS. Mr. Speaker, I rise today in support of H. Res. 1631, a resolution by the United Nations Security Council resolutions relevant to Cyprus, as well as for general respect for religious freedom.

First, I would like to recognize my colleagues for this incredible bipartisan effort. Thank you so much to Ranking Member ILEANA ROS-LEHTINEN and Chairman Berman, not only for their cosponsorship but also for assisting in fast-tracking this measure to the House floor.

Also, thanks to my Hellenic Caucus cochair, CAROLYN MALONEY, and all of my colleagues who are cosponsors, including the U.S. House’s strongest champion of human rights, CHRIS SMITH. This display of bipartisanship illustrates that Congress can work together in a collegial spirit when it comes to protecting religious freedom throughout the world.

As cochair and cochair of the Hellenic Caucus and member of the International Religious Freedom Caucus, we’ve introduced this measure to highlight the continued violations that are taking place on the divided island nation of Cyprus. Even as Cyprus celebrates the 50th anniversary of its independence, we are reminded that roughly one-third of Cyprus continues to be under Turkish military occupation since 1974. This resolution demands that Turkey be held responsible for the continued occupation of Cyprus and act in accordance with international law with respect to the destruction of religious and cultural property in Cyprus.

The Turkish military, which continues to illegally occupy northern Cyprus, has overseen the systematic destruction of religious sites and the illegal looting of a large number of religious and archaeological objects. When northern Cyprus was invaded, churches were left open to looters and to vandals. The Turkish forces, though required to secure the religious sites by several conventions to which it is a signatory, failed to do so.

Around 500 churches, monasteries, cemeteries, and other religious sites belonging to Greek Cypriots, Armenians, and Maronites have been desecrated, pillaged, looted, and destroyed, including one Jewish cemetery. Eighty Christian churches have been converted into mosques; 28 are being used by the Turkish army as stores and barricades, and many others are used for other nonreligious purposes such as coffee shops, hotels, public baths, nightclubs, stables, theaters, and barns.

Since 2004, at least 15 churches have been leveled, such as St. Catherine’s Church in the district of Famagusta, which was bulldozed in mid-2008. Additionally, the Church of the Holy Virgin in the site of Trachonas was used as a dancing studio until the Turkish occupiers built a road that destroyed part of it in March 2010. And the Church of the Templars was converted into a nightclub. These are a few examples of the destruction that has been overseen by the Turkish military, if not directly perpetrated by it.

Mr. Speaker, this resolution urges the Government of Turkey to immediately implement the United Nations Security Council resolutions relevant to Cyprus, as well as the judgments of the European Court of Human Rights, by retrieving and restoring all lost artifacts and immediately halting destruction on religious sites, stopping illegal archaeological excavations, and allowing traffic in icons and antiquities.

Further, proper preservation and reconstruction of destroyed or altered religious sites must immediately take place, and all restrictions on freedom of religion for the enclaved Cypriots must end.

Mr. Speaker, I hope the beginning of the next 50 years of Cyprus’ statehood is marked by the immediate removal of the Turkish occupation forces, followed by immediate reunification of the island nation in which respect for human rights and fundamental freedoms for all Cypriots is a reality.

I urge swift passage of this resolution.
Madam Speaker, I rise in strong support of H.R. 1631, a resolution calling for the protection of religious sites and artifacts in Turkey. I join my Hellenic Caucus cochair and good friend and colleague, Representative Gus Bilirakis, in introducing this important resolution before us today. And I would like to particularly thank Chairman Berman for his work in bringing this resolution to the floor today for a vote.

I am honored to represent Astoria, Queens, one of the largest and most vibrant communities of Greek and Cypriot Americans in this country. This year we marked the 30th anniversary of the Turkish invasion and continuing illegal occupation of the northern part of the Republic of Cyprus. Since the 1974 invasion, many priceless symbols of Cyprus' religious and cultural heritage have been destroyed, looted, or vandalized, and even stolen, or illegally shipped for sale abroad. Very disturbing is the way the churches have been razed, converted into barracks, into barracks, into beer halls with total disrespect to their religious importance.

To date, Turkey has repeatedly ignored all U.N. resolutions pertaining to Cyprus and has continued to occupy the island in complete violation of international law. As Cyprus prepares to celebrate its 50th anniversary, we in Congress have a responsibility to make our voices heard on behalf of the Republic of Cyprus. The Republic is a member of the United Nations and is recognized as a republic by the United States and most of the international community. The Republic of Cyprus has ratified the 1970 Convention, the 1995 UNIDROIT Convention, and the 1954 Hague Convention for the Protection of Cultural Property during Armed Conflict.

I urge all of my colleagues to join me in support of this important resolution.

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**CYPRIOT—DESTRUCTION OF CULTURAL PROPERTY IN THE NORTHERN PART OF CYPRUS AND VIOLATIONS OF INTERNATIONAL LAW

**executive summary

Due to the military invasion by Turkey in July 1974, the Republic of Cyprus has been de facto divided into two separate areas: the southern area under the Government of Cyprus, which is recognized as the only lawful government and the only government of the entire island of Cyprus; and the northern area, amounting to approximately 36 percent of the territory, under the non-recognized, illegal, and unilaterally declared "Turkish Republic of Northern Cyprus." As documented, the northern part of Cyprus has experienced a vast destruction and pillage of religious sites and objects during the invasion and continuing occupation. In addition, a large number of religious and archaeological objects have been illegally exported and subsequently sold in art markets. The Republic of Cyprus has asserted its ownership over its religious and archaeological sites located in Cyprus through use of its domestic legislation. The Cyprus government and the Church of Cyprus claim that such religious sites constitute part of Cyprus' cultural property and that they have a right to preserve the collective history and memory of the people of Cyprus as a nation, as well as to humankind. In a few instances, Cyprus, either through diplomatic action, or subsequent to international agreement on the subject, Turkey has been successful in repatriating religious and archaeological objects.

Protection of religious sites and other cultural property during armed conflict and occupation falls within the ambit of international humanitarian law, otherwise known as the law of war. The primary way to protect cultural property is to find a solution to the Cyprus issue and the end of the military occupation of the northern part of Cyprus. Meanwhile, Cyprus may opt, inter alia, to utilize judicial remedies to resolve outstanding disputes pertaining to its cultural and religious property either before foreign courts, as it has already done in several instances before regional courts, provided that other criteria are met.

**I. INTRODUCTION

Following the military invasion of Cyprus in 1974 and the subsequent occupation of the northern part of Cyprus by Turkey, it has been documented that extensive destruction, desecration, and pillage of religious sites and other historic monuments have occurred in the occupied northern part of Cyprus. Turkey has declared the northern part of Cyprus as a new state, the so-called "Turkish Republic of Northern Cyprus" ("TRNC"). As documented, Turkey has been recognized as the occupying power before an international court or tribunal, provided that other requirements are met. A legal precedent for the responsibility of Turkey for actions against cultural property would be the judgments of the European Court of Human Rights. The Court, based on the "effective control" test, used in Loizidou v. Turkey, found Turkey responsible for deprivation of private property of Greek-Cypriots expelled from the occupied northern part of Cyprus.

The International Criminal Tribunal for the Former Yugoslavia (ICTY) and the Rome Statute of the International Criminal Court (ISC) provide for the protection of cultural property. The ICTY has held individuals accountable for the destruction or damage done to institutions dedicated to religious, artistic, scientific, or historic monuments. Moreover, the ICTY has reaffirmed that the rules of protection of cultural property during armed conflict have achieved treaty status under international law.

Two international Conventions governing protection of cultural property apply to the issue of illicit traffic and exportation of cultural property from the northern part of Cyprus: a) the 1970 UNESCO (United Nations Educational, Scientific, and Cultural Organization) Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership; and b) the 1995 UNIDROIT (International Institute for the Unification of Private Law) Convention on Stolen or Illegally Exported Cultural Objects. A basic objective of both Conventions is to fight the illicit trade in art and cultural property. Under the 1970 Convention, which has been ratified by 116 countries, Turkey, party to the Convention, is required to take steps to prevent illicit traffic through the adoption of legal and administrative measures and the adoption of an export certificate for any cultural object that is exported. Cyprus has complied with these requirements.

In addition, the 1970 Convention provides for the transfer of ownership of cultural property under compulsion that arises from the occupation of a country by a foreign power. The 1995 UNIDROIT Convention establishes uniform rules for restitution claims by individuals regarding stolen cultural objects and return claims by states regarding illicitly exported cultural objects. Where the UNIDROIT has ratified the Convention, Turkey has not.

The Cyprus Government stresses that the protection of the Republic of Cyprus is to find a solution to the Cyprus issue and the end of the military occupation of the northern part of Cyprus. Meanwhile, Cyprus may opt, inter alia, to utilize judicial remedies to resolve outstanding disputes pertaining to its cultural and religious property either before foreign courts, as it has already done in several instances before regional courts, provided that other criteria are met.

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**II. INTERNATIONAL LAW AND THE PROTECTION OF CULTURAL PROPERTY IN THE NORTHERN PART OF CYPRUS

**A. Introduction

The laws of individual states on the protection of cultural property are designed to protect cultural property from theft, pillage, or misappropriation of cultural property, against the acts of terrorism, pillage of religious sites and objects during the military occupation of the northern part of Cyprus by Turkey.

In analyzing the international legal norms and standards applicable to:

(a) The protection of cultural property during armed conflict;
(b) Occupied territory;
(c) The protection of cultural property against the illicit trade and export of artif-

c; and,

(d) Religious intolerance.

In order to draw out the issues, the report provides a historical background, continuing to the time of the de facto partition of the island and the ensuing military occupation. Also included is a brief description of the report's legal framework governing the protection of cultural property in the northern part of Cyprus. The report also examines the rights and obligations of Turkey and Cyprus arising out of international agreements and especially the legal consequences of the destruction and pillage of Cyprus' religious and cultural property by "TRNC.

The analysis focuses on the international legal norms and standards applicable to:

(a) The protection of cultural property during armed conflict;
(b) Occupied territory;
(c) The protection of cultural property against the illicit trade and export of arti-

c; and,

(d) Religious intolerance.
Cypriot community and other minorities for religious purposes) qualify as “cultural property” as defined in the relevant law and thus warrant international protection; (b) Whether or not the northern part of Cyprus meets the legal definition of an occupied territory; and (c) Whether the destruction of religious sites in the north, either in the context of the TRNC or elsewhere in northern Cyprus, constitutes a war crime or a crime against humanity. The Panel of Experts, in its June 2006 report, considered the destruction of religious sites in the northern part of Cyprus to be a war crime and a crime against humanity.

II. HISTORICAL BACKGROUND

The Republic of Cyprus is a small nation in size and population with a very rich and ancient history and civilization. Archeological findings indicate that Cyprus was inhabited around 7,000 B.C. The island was exposed to Christianity early, with the visit of Apostles Barnabas and Peter. During the Byzantine era, Cyprus was under the administration of Byzantine emperors for approximately 800 years. Cyprus was during this time a state where a great number of churches were built and decorated with mosaics and frescoes of exquisite beauty. In 1971, Cyprus became part of the Ottoman Empire and in 1878 fell under British rule.

After a long period as a British colony, the Republic of Cyprus became an independent nation on August 16, 1960, following the signing of the Treaty of Alliance, Treaty of Guarantee, and the adoption of the Cyprus Constitution, 1960. Under the Treaty of Guarantee, the three guarantor powers, Greece, Turkey and the United Kingdom, agreed to safeguard and respect the independence and sovereignty of Cyprus. Cyprus’ population is composed of two communities; Greek-Cypriots, and Turkish-Cypriots. The two communities are linguistically and religiously distinct from each other. They had long inhabited the island in peaceful symbiosis, with some sporadic periods of political instability and internal strife. Prior to 1974, the Greek-Cypriot community comprised 80 percent of the island’s population, while the Greek-Cypriot community comprised 20 percent of the island’s population. The military invasion by Turkey and the ensuing occupation of the north, with the balance being comprised of a still contested by Armenians, Maronites, and Latins.

Since the 1974 military invasion of Cyprus by Turkey and the ensuing occupation of the northern 33 percent of the island, the Republic of Cyprus has been de facto divided into two separate areas, with the southern area under the government of Cyprus, which is recognized as the legitimate government, and the northern area under the non-recognized, illegal, and unilaterally declared “TRNC.” The United Nations Peacekeeping Force in Cyprus (UNFICYP) was established in 1964 after the eruption of intercommunal violence in 1963, and is in control along the so-called “green line” to guarantee maintenance of peace and security between the two communities. The military invasion by Turkey was precipitated when the Greek military regime, with the assistance of the Cypriot military, proclaimed and established a coup d’état against the government of Archbishop Makarios, the first elected President of the Republic of Cyprus. On July 20, 1974, Turkey, with the assistance of the Cypriot military, allegedly protect the Turkish community, intervened militarily in Cyprus in order to “reestablish the constitutional order.”

A series of unsuccessful peace negotiations ensued between the two communities under the auspices of the United Nations (UN) until August 14, 1974, when Turkey initiated a second military attack on Cyprus and occupied 36.02 percent of the territory of the Republic of Cyprus. As a result of the 1974 Turkish invasion of Cyprus, almost 200,000 Greek-Cypriots fled their homes in the north and either became refugees or were internally displaced, and an estimated 200,000 Turks eventually settled in the northern part of Cyprus. The Turkish-Cypriots who lived in various parts of the island prior to 1974 moved to the north.

Currently, the population of Cyprus includes approximately 660,000 Greek-Cypriots who live in the south, 89,000 Turkish-Cypriots who live in the north, and a military force of approximately 43,000. Moreover, Turkey has brought close to 160,000 Turkish settlers to the northern part of Cyprus from mainland Turkey in an effort to alter the demographics of Cyprus. The European Court of Human Rights of the Council of Europe, to which Turkey and Cyprus are members, in numerous instances has found Turkey to have violated various human rights in the northern part of Cyprus, in particular the rights of individuals to their property, and the right to life and security. The “TRNC” was unilaterally proclaimed in 1983 and adopted a Constitution. The United Nations Security Council, in Resolutions 541, adopted in May 1983, respectively, declared the secession invalid, null, and void. The Security Council also urged the Cyprus: Destruction of Cultural Monuments in the Northern part of Cyprus, adopted in 1980, and the European Convention of Congress international community not to recognize the “TRNC.” Thus, far, no country (with the exception of Turkey) has recognized the “TRNC” as a separate state under international law. The United Nations, the European Union (EU), the Council of Europe, and others have repeatedly reaffirmed the status of the Republic of Cyprus as the only legitimate government. A number of national and international courts, in adjudicating legal issues that have incidentally raised the question of the status of the “TRNC,” have not recognized its legitimacy.

On May 1, 2004, the Republic of Cyprus, as a single state, joined the EU, for the time being, the entire body (acquis communautaire) of EU law applies only to the southern part of Cyprus. (See References.)

END NOTES


3. The role of the UNFICYP was expanded in September 28, 2010.


7. The UNFICYP was expanded in response to the Turkish military invasions. For information on the UNFICYP, see http://www.un.org/Depts/dpko/missions/unficyp/. For an analysis of the efforts of the United Nations to find a workable solution to the Cyprus problem, see Claire Palley, An International Relations Debacle, The UN Secretary-General’s Mission of Good Offices in Cyprus 1999–2004 (2005).


11. In 1983, the Committee of Ministers of the Council of Europe issued a Resolution which, inter alia: a) denounces the declaration by the Turkish Cypriot leaders of the “purported independent of the so-called “Turkish Republic of Northern Cyprus” (TRNC) as a challenge to the international community and expressing its deep concerns as the only legitimate government.


14. The Commonwealth Heads of Government, in a meeting convened in New Delhi, India, November 23-29, 1983, condemned the declaration inviting the Turkish Cypriot leaders of the “purported independence of the so-called ‘Turkish Republic of Northern Cyprus’” (TRNC) as a challenge to the international community and expressing its deep concerns as the only legitimate government.

15. For information on the UNFICYP, see http://www.un.org/Depts/dpko/missions/unficyp/.

10 A review of several cases involving courts in the United States and the United Kingdom, the European Court of Justice, and the European Court of Human Rights, see Chrysostomides, supra note 1, at 280–315.


Mr. SMITH of New Jersey, Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of H. Res. 1631, calling for the protection of religious sites and artifacts from and in Turkish-occupied areas of northern Cyprus and calling on the Turkish Government to respect the religious freedom of all the people living in the territory it occupies. I thank my very good friend Mr. BILIRAKIS for introducing this outstanding resolution and for his faithfulness and effectiveness in exposing human rights violations in Cyprus.

Madam Speaker, this resolution reminds us of the ongoing barbarism of the Turkish Government’s military occupation of the northern part of the Republic of Cyprus, a sovereign nation. The Turkish Government frequently prevents Greek Cypriots from holding divine liturgy, and it has pillaged their sacred churches and holy sites. The Turkish Government currently uses no less than 28 Orthodox churches as army barracks, has converted 80 churches into mosques, and permits others to be used as nightclubs, sheep stalls, and dancing schools. Under Turkish occupation, 500 churches, monasteries, cemeteries, and other religious sites have been desecrated, destroyed, or looted.

Madam Speaker, this resolution performs a great service in documenting in painstaking detail the trade in sacred objects looted from these church-es, which is extensive, international, and totally illicit. It also points out the legal obligation of the Turkish Government to prevent this trade, to restore looted objects as well as churches, and to respect the human rights of those who live under its occupation.

Madam Speaker, I am profoundly disappointed that over the years, including since the passage of the International Religious Freedom Act, that our government has far too often failed to speak out and to speak out vigorously in defense of the religious freedom of Orthodox Christians. This is really shameful. The Turkish Government’s persecution of Orthodoxy, whether in Cyprus or in Thrace, or in the home of the Ecumenical Patriarchate, in Syriac Orthodox monasteries, or of the Armenian Orthodox, seems to aim at extinguishing Christian Orthodoxy within its borders.

As the Secretary General’s report on the United Nations operations in Cyprus stated as far back as 1996, the restrictions on basic freedoms of Christian Cypriots of Cyprus have the effect “of ensuring that with the passage of time, the communities (that is, Greek Cypriots and Maronites) would cease to exist.” So I am glad that this resolution specifies, in particular, urges the President, the Secretary of State, and the State Department Office of International Religious Freedom to promote and take vigorous action on the traffic of Cypriot Orthodox heritage. The executive branch should take this seriously. Hopefully with the backing of the Congress, they will.

Mr. BURTON of Indiana, Madam Speaker, I rise today to express my serious concerns with H. Res. 1631. I think many of my colleagues know that I have been a vocal supporter of religious human rights around the world for many years. But, I believe the resolution before us is less about promoting religious freedom and religious tolerance than it is about poking a stick in the eye of Turkish Cypriots; who are currently working toward good-faith, Greek Cypriot neighbors to strike a comprehensive peace deal for that troubled island.

Time and time again, I have come to the floor to ask my colleagues to review the facts and stop oversimplifying this issue. Revisionist history is to blame for the ill of Cyprus at the doorstep of Turkish Cypriots and Turkey. H. Res. 1631 seems to repeat this pattern. I urge my colleagues to step back and ask themselves whether this resolution will truly advance the reconciliation process or merely add fuel to the fire. If we do that, the answer is obvious, H. Res. 1631 is an unnecessary and inappropriate assertion of opinion that does nothing to bring peace to a divided land.

In fact, those on both sides of the issue are already working together to come to a resolution. On March 21, 2008 the Greek Cypriot leader Mr. Christofias and the Turkish Cypriot leader Mr. Talat forged an agreement that paved the way for the establishment of a Technical Committee on Cultural Heritage. This committee has already set in order plans to protect, preserve and restore the rich cultural heritage of both sides. The Committee on Cultural Heritage has agreed to work to establish a mechanism that does just this. But why if H. Res. 1631, is the fair and balanced resolution its supporters claim it to be, is it silent in terms of commending all efforts to preserve the cultural heritage of both sides.

Madam Speaker, if we can redirect our misspent energies towards the real work of re-shaping Cyprus into a Cyprus that respects human rights and the human freedoms for all Cypriots; by bolstering the efforts of the Greek Cypriots and the Turkish Cypriots to work together in good faith for the future of all Cypriots; then the future will be bright for Cyprus.

However, if we as the United States Congress continue only to echo the shrill cries of the “blame Turkey” groups here in the United States, we will only help further delay the day that peace comes to Cyprus. I urge my colleagues to reject H. Res. 1631.

Mr. SMITH of New Jersey. I yield back the balance of my time.

Mr. TANNER. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Ms. Edwards of Maryland). The question is on the motion offered by the gentleman from Tennessee (Mr. TANNER) that the House suspend the rules and agree to the resolution, H. Res. 1588.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING IMPLEMENTATION OF PEACE AGREEMENT IN SUDAN

Mr. TANNER. Madam Speaker. I move to suspend the rules and agree to the resolution (H. Res. 1588) expressing the sense of the House of Representatives on the importance of the full implementation of the Comprehensive Peace Agreement to help ensure peace and stability in Sudan during and after mandated referenda, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1588

Whereas Sudan stands at a crossroads, in the final phase of what could be a historic transition from a violent war to peace, and Sudan’s full implementation of the Comprehensive Peace Agreement (CPA) in this next
year will determine the future of this central important country in Africa and the stability of the region.

Whereas January 2010 marked the fifth anniversary of the CPA, which ended more than 20 years of civil war between northern and southern Sudan, fueled by northern persecution of populations in the south and multitudes about the deaths of more than 2,000,000 people and the displacement of over 4,000,000 people in southern Sudan;

Whereas the CPA committed the northern-dominated National Congress Party (NCP) and the southern-dominated Sudan People’s Liberation Movement (SPLM) to establish a new government, through a joint governing responsibility during a six-year Interim Period ending in July 2011;

Whereas Sudan’s April 2010 elections did not meet international standards due to widespread and continuing violations of political rights, irregularities in voter registration, significant logistical and procedural shortcomings, intimidation and violence in some localities, and the continuing conflict in Darfur which prevented full campaigning and voter participation;

Whereas the border in Darfur remains unresolved, with over 300,000 people killed and over 2,000,000 people still displaced in a highly unstable security situation perpetrated largely by the NCP in Khartoum;

Whereas since 1999, the United States Department of State has designated Sudan as a “country of particular concern” for systematic, ongoing, and egregious violations of religious freedom or belief and related human rights, as recommended by the United States Commission on International Religious Freedom, and despite progress made via the CPA on religious freedom issues, there are still reports of abuses;

Whereas in the event of the CPA in January 2011, the agreement requires referenda on self-determination for southern Sudan and on whether Abyei will remain in the north or join the south;

Whereas following the Interim Period, popular consultations in Southern Kordofan State and Blue Nile State are to be held to determine the governance arrangements for those two states;

Whereas it is essential that the referendum and accompanying popular consultations are held free and fair so that they are free, fair, and credible, and that if the outcome of the southern Sudan referendum is independence, two stable and viable democratic states result;

Whereas the Government of Southern Sudan faces post-conflict reconstruction challenges, including establishing democratic, responsive, and transparent governance, addressing human resources and capacity-building needs, strengthening and reforming the security forces to address communal and inter-ethnic violence, professionalizing the police and security forces, developing basic infrastructure, natural resources, and the economy, providing basic services including water, education, health care and social services, and establishing cooperative and transparent wealth-sharing mechanisms;

Whereas in August 2009, the NCP and SPLM signed a bilateral agreement to address and implement many of the CPA’s outstanding provisions, but since that time the NCP has consistently delayed and reneged on its CPA commitments, thereby increasing tension and distrust between northern and southern Sudan, endangering the CPA by infringing on the freedom of speech, assembly, and association of candidates, political party activists, and journalists during and after the election processes, including infringing on the freedom of the press, intimidating and arresting the media and political party leaders;

Whereas the NCP continues to restrict and disrupt United Nations peacekeeping, humanitarian operations, and human rights organizations in Darfur;

Whereas the United States played a central role in negotiations that led to the CPA, is a guarantor of that peace agreement, and continues to play a leading role bilaterally and multilaterally about a just and lasting peace in Sudan;

Whereas Secretary of State Hillary Rodham Clinton stated in October 2009 that the Comprehensive Peace Agreement between the North and South will be a flashpoint for renewed conflict if not fully implemented;

Whereas the CPA’s implementation, a referendum on self-determination for the South, resolution of the border disputes, and the willingness of the respective parties to live up to their agreements;

Whereas compromised freedom and engagement from the international community in support of the CPA, including the upcoming referendum, is essential to bring about sustainable peace in Sudan; Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the United States Government should—

(1) work with appropriate Sudanese parties and responsible regional and international partners to—

(A) build consensus on the steps needed to implement the Comprehensive Peace Agreement (CPA), including the upcoming referendum, and promote stability throughout Sudan;

(B) correct serious and systemic problems in the election process to ensure that they do not reoccur during the referendum campaign and voting processes, including irregularities in voter registration, logistical and procedural challenges, and human rights infringements, intimidation, and violence; and

(C) ensure that the National Congress Party (NCP) and the Sudan People’s Liberation Movement (SPLM) implement provisions in the CPA that address human rights abuses (including gender-based violence) and the ongoing atrocities and displacement in Darfur;

(2) undertake renewed efforts to define and implement the Administration’s stated Sudan policy of October 2009, including by publicly articulating the benchmarks and related incentives and pressures used by the Administration to gauge progress or backsliding on key provisions of the CPA, including the holding of a free and fair referendum in southern Sudan;

(3) continue to encourage greater multilateral engagement of the arms embargo set out in the 2004 United Nations Security Council Resolution 1591, and strengthened in the 2005 United Nations Security Council Resolution 1769, and end the arms embargo and related sanctions on the Sudan; and

(4) work with appropriate Sudanese parties and responsible regional and international partners to—

(A) the right of return of Sudanese refugees and displaced persons, including Darfuris and southerners, by providing assistance and safe passage to all such persons; and

(B) to ensure that the citizenship rights of southerners in the north and northerners in the south are respected in accordance with international standards should the south vote for independence;

(5) work with responsible regional and international partners to ensure a stable north-south border and a permanent peace in Sudan, utilizing policy options if parties fail to honor the CPA, including border demarcation pre-referenda;

(6) continue to utilize diplomats and experts and sustain engagement to support the African Union and United Nations-led negotiations over the post-referendum issues, including working with responsible regional and international partners to assist in making necessary arrangements for a post-2011 peaceful transition, with specific focus on oil and revenue sharing, citizenship, return of refugees and displaced persons, security arrangements along the border, and protection of the rights of minorities, particularly the religious and ethnic minorities historically marginalized;

(7) utilize diplomats and experts to revitalize the Darfur Peace Process and press the NCP, northern political parties, armed groups, and civil society representatives to address human rights abuses (including gender-based violence) and the ongoing atrocities and displacement in Darfur;

(8) undertake renewed efforts to define and implement the Administration’s stated Sudan policy of October 2009, including by publicly articulating the benchmarks and related incentives and pressures used by the Administration to gauge progress or backsliding on key provisions of the CPA, including the holding of a free and fair referendum in southern Sudan;

(9) hold the NCP accountable for its actions given the NCP’s human rights violations and efforts to impede CPA implementation since the announcement of the United States Sudan policy, and the need for the United States to balance incentives with pressures, by—

(A) identifying NCP government agencies and officials responsible for particularly severe human rights and religious freedom violations as required under section 402(b)(2) of the International Religious Freedom Act of 1998 (IRFA), and prohibit those individuals identified under section 402(b)(2) of IRFA from entry into the United States;

(B) encouraging multilateral asset freezes on NCP government agencies and travel bans on officials responsible for particularly severe human rights and religious freedom violations;

(C) continuing to encourage greater multilateral effort to support the CPA, improve access to food and water, ensure continued and sustained deployment of the UN Mission in South Sudan (UNMISS), improve access to human rights experts and humanitarian organizations, and support the CPA’s implementation process by providing assistance and support for public education;
(10) support the Government of Southern Sudan, including through the provision of technical assistance and expertise, in developing its economy, rule of law, and social service and institutional infrastructures, improving democratic accountability and human rights, and strengthening reconciliation efforts; and
(11) unequivocally stand, during this period of preparation and possible transition, with those people of Sudan who share aspirations for a peaceful, prosperous and democratic future.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. TANNER) and the gentleman from New Jersey (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. TANNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There is no objection.

Mr. TANNER. Madam Speaker, I yield myself such time as I may consume.

I want to thank Mr. CAPUANO and Members of the House Sudan Caucus for introducing this resolution and to remind us of the important work that needs to be done to implement the final stages of the Comprehensive Peace Agreement between the National Congress Party and the Southern Sudanese Liberation Movement in Sudan.

The CPA requires referenda in January 2011 to determine whether South Sudan will become an independent country and whether Abyei (AH-BEE-AY) region will be a part of the North or South.

The Obama Administration has worked tirelessly to help the Sudanese people prepare for the referenda and the hard policy choices that must come after.

This resolution puts the Congress on record encouraging the President to continue a robust engagement in the CPA process and make sure the National Congress Party and the Sudanese Peoples' Liberation Movement fulfill the obligations of the agreement.

I reserve the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I am pleased to rise in support of H. Res. 1588, of which I am the original cosponsor.

Madam Speaker, we are all familiar with this famous quote by the American philosopher George Santayana, who said, "Those who cannot remember the past are condemned to repeat it." The truth of this saying is tragically realized in the case of war and genocide.

General Romeo Dallaire, the commander of the former United Nations mission in Rwanda, tried unsuccessfully in 1994 to warn the United Nations that huge massacres were imminent in that country. Even he miscalculated the magnitude of the threat. Within a few months, Rwanda was engulfed in genocide, leading to the deaths of nearly 800,000 people.

Larry Eagleburger, a former ambassador to Yugoslavia who served as Deputy Secretary of State and then Secretary of State, never suspected that the hostilities in the Republic of Bosnia and Herzegovina would escalate to the slaughter of more than 8,000 people that took place in 1995.

Sadly, we have too many indications about what could happen if the two referenda scheduled to take place in Sudan in January do not take place fairly and peacefully. The 20-year war between the north and the south of Sudan that ended in 1995 took the lives of over 2 million people and displaced a further 4 million.

Peace in Darfur is inextricably linked to peace throughout the rest of Sudan. And the genocide there in 2003 unleashed the slaughter of over 300,000 women, men, and children. Almost 3 million have been displaced and are still consigned to the misery of camps for internally displaced persons.

Like many of my colleagues, I have visited Sudan. I have been to Mukjar and Kalma camp, and I have actually had a face-to-face meeting with General Bashir, the dictator in Khartoum, pushing for peace, pushing for an end to this slaughter. Unfortunately, he was obsessed only with trying to convince me that the sanctions against his government would be lifted. The fact that the sanctions were based on the senseless killing and displacement sponsored by his government was dismissed by him as of no consequence.

This signing of the Comprehensive Peace Agreement between the Government of Sudan and the Sudan People's Liberation Movement in 2005 marked a potential turning point for the Sudanese people. It calls for elections leading to a referendum in January of 2011 to determine whether the south will remain united to the north or secede as an independent state. The region of Abyei is also to hold a referendum to determine whether it will remain in the north or possibly secede with the south should the south choose that course.

Specific conditions were to be met in anticipation of these major events, to ensure that they would be conducted credibly and peacefully.

Madam Speaker, these interim 5 years have yielded signs of hope that the Sudanese people can afford to pay that price.

With H. Res. 1588, I join my colleagues in pressing upon the administration the urgent need for the Sudanese people in their long-sought-after quest for peace. The effort will be great, but the price of another even more catastrophic war would be even greater.

No one, particularly the Sudanese people, can afford to pay that price.

Madam Speaker, I reserve the balance of my time.

Mr. TANNER. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. Madam Speaker, I am here to support this resolution.
Very clearly, this resolution is simply intended to encourage the Government of the United States and other governments around world to continue press- ing to make sure that the resolution that is on the ballot January 9 of next year for the people of south Sudan to decide for themselves whether they want to make their own country or be part of the Government of Sudan. That is all we want. It is an agreement that was made in 2005 by warring parties. I worry that we are not paying attention to this for their own sake, if not for the sake of the people of the South. The people of the South that it was capable of change. That is why I was here in Sudan last week to meet on Sudan at the U.N. The United States has a Special Envoy there. We are paying special attention.

And by the way, it is not just because I have a bleeding heart for people who have been massacred. It is not just that people should have their own right of self-determination. It is also because this particular section of the country is in a critically important region in Africa. I think most everybody in this country have now heard of the Pilots of Somalia. That is right next door. Eritrea, right next door, Ethiopia, right next door. All around them is instability, danger and potential violence that could draw in the entire region. That is what this peace agreement is all about. That is why I am here, for January 9 of next year. I urge the Government of Sudan also, soon thereafter, started a genocide on their own people in Darfur.

All we are asking, in a very difficult situation, with multi-facets that are beyond comprehension, to simply have the United States Government continue what they are doing. The President of the United States went to New York City last week to meet on Sudan at the U.N. The United States has a Special Envoy there. We are paying special attention.

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Mr. PAYNE, Madam Speaker, I rise today in support of Res. 1588, which calls attention to the upcoming referendum in Sudan and the need to ensure full implementation of that country's Comprehensive Peace Agreement, CPA. I want to commend my fellow co-chairs of the Sudan Caucus, Mr. CAPUANO, Mr. WOLF, and Mr. MCCaul, for their bipartisan leadership on this issue. Mr. CAPUANO, our Republican co-chairs have worked hard to bring this resolution to the floor because time is short. I support this resolution and say we must sound the alarm for what is going on in Sudan. The people of Sudan deserve our support for timely, free and fair referenda on the independence of Southern Sudan and Abyei. The National Congress Party, headed by President Omar al Bashir, must not be allowed to derail the referenda.

The referenda that would bring the peace dividend promised to the people of South Sudan and Abyei following the 21-year war civil war between North and South Sudan. During the war, which claimed the lives of 2 million Southerners and displaced 4 million, the Bashir regime used aerial bombings against innocent civilians, women, men, elderly, and disabled. Indeed, the war nearly destroyed an entire region—South Sudan, but it could not destroy the spirit of its people.

On January 9, 2005 members of the U.S. Government, including myself, witnessed the signing of the Comprehensive Peace Agreement, CPA, which ended the war and outlined the path to secure lasting peace in Sudan. The signing of the agreement launched a 6-year Interim Period during which Khartoum would have the opportunity to show the people of the South that it was capable of change. At the end of the 6-year period—on January 9, 2011—the CPA promised an opportunity for the people of the South to determine whether the regime in Khartoum had changed enough that they want to remain a part of Sudan or whether they want to secede. The people of the marginal area of Abyei—the region that holds in its soil Sudan's oil wealth—would decide if they would retain their special administrative status in the North or to become part of the South.

Today, with less than four months until the referenda, Sudan is dismayingly behind on implementing the CPA. Bashir's regime has refused to cooperate on key measures that must be put in place. The government of Sudan has repeatedly played games, stalled, held up, and obstructed so many critical steps in the fulfillment of the CPA that as of today, it is unclear whether the referenda in January can actually be held freely and fairly. Sudan also faces a number of challenges as it struggles to emerge as a democracy from decades of civil war. The conflict and violence in Darfur still rage even as the international community continues its efforts to bring about peace. Indeed, Sudan could erupt into conflict once again if the referenda are not held freely and fairly. We support House Resolution 1588 to call on the Administration and the international community to fully employ all of our diplomatic tools, as well as significant international technical assistance, to ensure that the referenda are timely, free, peaceful, and fair to the people of Sudan. The consequences of failed referenda are too great.

The legislation has served as a guarantor of the CPA, helping to negotiate the agreement and facilitate its implementation by both signatories—the National Congress Party, NCP, and Sudan People's Liberation Movement/Army, SPLM/A. We have invested considerable time and resources in helping the people of Sudan, and we must ensure that this level of commitment is maintained through this critical time and beyond. Now is the time to refocus attention on Sudan.

H. Res. 1588 sends a clear message to Khartoum that a dismissal of the CPA will not be tolerated. I urge my colleagues to vote in favor of this bipartisan resolution.

Mr. SMITH of New Jersey, Madam Speaker, I have no further requests for time, and I yield back the balance of my time.
languages and had lived in Afghanistan since 1971, working tirelessly on behalf of the country’s most impoverished and marginalized populations and helping international humanitarian aid workers to understand and respect the local culture.

Whereas the organization that sponsored these humanitarian aid workers was a signatory to the Code of Conduct for International Red Cross and Red Crescent for NGOs and Disaster Response Programmes, which states that “aid will not be used to further a particular political or religious standpoint”;

Whereas international humanitarian aid workers have played a vital role in saving lives and meeting basic human needs in Afghanistan over the last 3 decades;

Whereas violent extremists have committed many ruthless and brutal attacks against the people of Afghanistan, starting in the 1990s with public executions in soccer stadiums, attacks against girls attending school, and many other terrible measures;

Whereas these violent extremists have directed wanton acts of cruelty against Afghanistan’s poorest and most vulnerable populations, as well as against humanitarian aid workers;

Whereas senseless killings will have a tragic impact for decades to come, both on the families of the victims and on the people of Afghanistan, and therefore, be it

Resolved, That the House of Representatives—

(1) honors the lives of the brave and selfless humanitarian aid workers, doctors, and nurses who died in the tragic attack of August 5, 2010, in northern Afghanistan;

(2) extends its deepest condolences to the families of the victims;

(3) strongly condemns those who committed these brutal murders;

(4) urges the Afghan authorities to do their utmost to bring the perpetrators of this heinous act to justice;

(5) encourages all parties to respect the neutral status of humanitarian aid workers; and

(6) commends international humanitarian aid workers for their courageous efforts to save lives and alleviate suffering by providing important services to the Afghan people.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. TANNER) and the gentleman from New Jersey (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

General Leave

Mr. TANNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. TANNER. I yield myself such time as I may consume.

Madam Speaker, on August 5, 2010, 10 unarmed humanitarian aid workers affiliated with the International Assistance Mission, a nongovernmental organization operating a mobile health clinic for Afghans with little access to medical care, were brutally killed in Badakhshan province, Afghanistan.

There were six Americans among the murdered aid workers. These brave and selfless individuals, Cheryl Beckett, Brian Carderelli, Thomas Grams, Glen Lapp, Tom Little and Dan Terry, dedicated their lives to serving the people of Afghanistan.

Despite the grave danger that many humanitarian aid workers face, including from the Taliban, they decide to operate in Afghanistan on behalf of the country’s most impoverished and marginalized populations.

We urge all parties involved in the conflict in Afghanistan to respect the neutral status of humanitarian aid workers and urge the Afghan authorities to do their utmost to bring the perpetrators of this heinous act to justice.

The resolution before us today honors the sacrifice and the service of the brave and caring aid workers, doctors, and nurses who died in the tragic attack, and extends our condolences to the families of the victims.

I reserve the balance of my time.

Mr. SMITH of New Jersey. I yield such time as he may consume to the author of the resolution, the gentleman from Tennessee (Mr. TANNER), to explain greater resources to establishing international humanitarian aid workers, doctors, and nurses who died in the tragic attack of August 5, 2010, in northern Afghanistan;

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The SAFE HAVENS

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The resolution before us today honors the sacrifice and the service of the brave and caring aid workers, doctors, and nurses who died in the tragic attack, and extends our condolences to the families of the victims.

I reserve the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I yield myself 2 minutes.

First, I want to thank Mr. Pitts for offering this important resolution to remember the aid workers who died in Afghanistan. These aid workers were killed because of their humanitarian efforts, because they were trying to provide the Afghan people with important services so they could live in freedom and safety.

For undertaking these noble efforts, the aid workers lost their lives at the hands of murderous extremists who minder of the brutality of the Taliban and al Qaeda foreign fighters? Do we understand that these murderers must be brought to justice no matter where they originated, either in Afghanistan or Pakistan?

The people of Afghanistan suffer every day from the cruelty of the Taliban. Along with the families who lost loved ones, the Afghans suffer from the loss of these dedicated and courageous aid workers. As a result of this brutal attack, critical medical care will no longer be available to many of the Afghans who were served by these humanitarian workers. We in the United States need to understand that, and we need to call for justice. The Afghan authorities must conduct an investigation and find these murderers, no matter where they might be hiding or receiving sanctuary.

From various reports, there are strong indications that the attackers were not local and some were speaking Afghan languages. Given the location of the attack, the proximity to Taliban strongholds in Nuristan, a province that borders volatile areas of Pakistan, and given the cross-border nature of the Afghan insurgency, I strongly urge the Government of Pakistan to do its utmost to cooperate in rooting out extremism on its soil, in particular, the safe havens that exist on the Pakistani side that have been the source of many acts of violence in both Afghanistan and Pakistan.

The safe havens for the Taliban, the al Qaeda, and the Haqqani network must be eradicated.

This attack has been called by some the worst attack on humanitarian aid workers in three decades of conflict in Afghanistan. Justice must be served so that it never happens again.

To this end, I hope the U.S. Government is seeking to enhance and dedicate greater resources to establishing and securing these safe havens for the Afghan institutions to better protect the Afghan people and their partners.

In closing, today we honor the brave and selfless humanitarian aid workers, doctors, nurses who died on August 5. Their efforts to bring healing and care to the Afghans were noble and good.

My thoughts and prayers are with the families of these heroes and quiet leaders, as well as with the Afghan people who have suffered so many decades of conflict and loss.

Mr. TANNER. I reserve the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I yield myself 2 minutes.

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seek an Afghanistan in the dark ages, an Afghanistan where people are debilitated by poverty and illiteracy, where democratic elections are unthinkable, where women and girls are murdered simply for trying to go to school, where freedom is a forbidden idea. Such an Afghanistan would again be a haven for violent extremist groups like the Taliban and al Qaeda who seek to destroy our Nation and our allies and to plunge civilization itself into darkness. So, Madam Speaker, we continue to stand against such a threatening scenario from becoming a dangerous reality.

In that respect, we owe a great deal of gratitude to the many Americans who have done their part and sacrificed so very much, particularly our men and women in uniform, to build a safe, secure, and free Afghanistan. And we owe gratitude to the courageous humanitarian aid workers who risk their lives as well to save lives and to alleviate the suffering of the Afghan people.

In particular, we owe our thanks to the American aid workers who gave their lives almost 2 months ago—Cheryl Beckett; Brian Carderell; Thomas Grams; Glen Lapp, who was Congressman Pritts’ constituent and friend; Tom Little; and Dan Terry. We mourn their loss, and we send our condolences to their families.

Mr. SALAZAR. Madam Speaker, I rise today in support of H. Res. 1661, to honor the lives of the brave and selfless humanitarian aid workers, doctors, and nurses who died in the tragic attack of August 5, 2010, in northern Afghanistan, one of whom was my constituent, Dr. Thomas Grams.

Dr. Grams practiced dentistry in Durango, Colorado, for many years. Several years ago, he retired from private practice so that he could dedicate his life full-time to the assistance of residents in developing countries.

Dr. Grams took countless trips to India, Nepal, and Afghanistan to provide care for the indigenous people of these countries. The focus of Dr. Grams’ life was to provide service to others and his mission was to provide access to dental and health care in some of the most remote corners of the world.

Dr. Grams represented Western Colorado and his entire nation with honor. He exemplified what is best in our country, a strong sense of compassion paired with the will and ability to help those in need.

Dr. Grams’ passion for service will be secondary missed in both Durango and around the world; his absence will be felt.

Our Nation and our world have lost a strong voice for compassion and healing.

In honor of Dr. Grams’ legacy, as well as those who were lost with him, I urge my colleagues to support H. Res. 1661.

Mr. SMITH of New Jersey. I yield the balance of my time.

Mr. TANNER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. TANNER) that the House suspend the rules and agree to the resolution. H. Res. 1661.

Mr. TANNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. TANNER. Madam Speaker, I yield myself such time as I may consume.

On August 5, 2010, the San José copper-gold mine in Copiapó, Chile, collapsed, leaving 33 miners trapped 2,300 feet underground. As of today, they have been there for 55 days.

The Chilean President has made the rescue of these stranded miners a national priority. This resolution addresses that deplorable event.

While initial estimates suggested that a complete rescue will take as long as 4 months, recent developments give hope that relief could come for the miners and their families much sooner.

Chilean officials are working tirelessly to rescue the 33 miners, and are making the necessary preparations to ease them back into society post-rescue. In this context, NASA has provided its unique expertise on rescue missions and the psychological impact of isolation. Private U.S. companies such as UPS have also contributed.

Madam Speaker, this resolution expresses solidarity with the stranded miners and their families, and I urge my colleagues to support it.

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume.

I want to commend Congressman MACK, the ranking member of the Western Hemisphere Committee, for offering this resolution.

Mr. SMITH. Madam Speaker, I rise today in support of House Resolution 1662, which commends the bravery of the 33 trapped miners in Chile who have endured nearly 2 months of unimaginable mental and physical strain following the August 5 collapse of the San José copper-gold mine which trapped them one-half mile below ground.

It was believed that these men did not survive the original collapse, but 17 days after the disaster the miners were miraculously discovered to be alive and in fair condition. Quick-thinking and decisive action led the men to take refuge in a shelter where they have been surviving for the last 7 weeks.

The Chilean Government has been working tirelessly to secure the safety of the miners as quickly as possible and to secure their release. In addition, scientists and doctors from NASA, as well as private U.S. engineers and companies, have been instrumental throughout the rescue process and continue to aid in the2010 challenges.

Various supply holes have reached the group to provide them with food, water, health supplies, air, and games to keep the 33 individuals safe and stable.

I rise today in support of House Resolution 1662, which commends the bravery of the 33 trapped miners in Chile who have endured nearly 2 months of unimaginable mental and physical strain following the August 5th collapse of the San José copper-gold mine which trapped them half a mile below ground.

It was believed that the men did not survive the original collapse, but 17 days after the disaster the miners were miraculously discovered to be alive and in fair condition.
Quick thinking and decisive action led the men to take refuge in a shelter where they have been surviving for the last seven weeks. The Chilean government has been working tirelessly to secure the safety of the miners as quickly as possible. In addition, scientists and doctors from the National Aeronautics and Space Administration, NASA, as well as private U.S. engineers and companies, have been instrumental throughout the rescue process and continue to aid in the drilling efforts.

Various supply holes have reached the group to provide them with food, water, health supplies, air, and games to keep the 33 individuals safe and stable.

Because of the exhausting emotional and physical impact of the situation, psychologists have made it a priority to keep them occupied, and believe it is an integral part of the rescue and reintegration process when they are finally pulled out.

Happily, recent advancements in the drilling efforts have improved rescue forecasts originally scheduled for November.

I would like to commend President Piñera and the Chilean government for their tireless rescue efforts and again recognize the invaluable contributions of the U.S. agencies and private entities that have been a part of this humanitarian endeavor.

I would like to extend my heartfelt sentiments to the trapped miners and their families.

Please know that we have you in our hearts and prayers.

Mr. ENGEL. Madam Speaker, I rise in support of H. Res. 1662, which expresses solidarity with the 33 trapped miners in Chile, whose story we’ve all been following in the news. Imagine: If we sit riveted to the tireless efforts of the rescue teams, what it must be like in Chile in “Camp Hope” where the families of the stranded miners hold vigil every day. Hope—Esperanza in Spanish—is a powerful force. In fact, the wife of one of the miners has given birth in the days since the collapse. The daughter’s name: Esperanza.

Just last week, I met with the Chilean Defense Minister. I was struck by the leadership of the Chilean government. They view this as a national effort to promote science and engineering to American competitiveness through exhibits on such topics as human spaceflight, satellites, weather forecasting, and telescopes.

Whereas the House of Representatives believes scientific research is essential to American competitiveness and events like the USA Science & Engineering Festival promote an interest in scientific research and development to the future of America: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its support for the goals and ideals of the Inaugural USA Science & Engineering Festival to promote science scholarship and an interest in scientific research and development as the cornerstones of innovation and competition in America;

(2) supports festivals such as the USA Science & Engineering Festival which focus on the importance of science and engineering to our every day lives through exhibits in such topics as human spaceflight, weather forecasting, satellite technology, and telescopes;

(3) congratulates all the individuals and organizations whose efforts will make the USA Science & Engineering Festival a success;

Whereas Science, Technology, Engineering, and Mathematics (STEM) education is an essential element of America’s future competitiveness in the world;

Whereas Science, Technology, Engineering, and Mathematics (STEM) education is an essential element of America’s future competitiveness in the world;

Whereas advances in technology have resulted in significant improvement in the daily lives of Americans;

Whereas the global economy of the future will require a workforce which is educated in science and engineering specialties;

Whereas a new generation of Americans educated in STEM is crucial to ensuring continued economic growth;

Whereas scientific discoveries are critical to curing diseases, solving global challenges, and expanding our understanding of our world;

Whereas it is the sense of the House of Representatives that investing the interest of the next generation of Americans in STEM education is necessary to maintain America’s global competitiveness;

Whereas nations around the world have held science festivals which have brought together hundreds of thousands of visitors celebrating science;

Whereas the inaugural 2009 San Diego Science & Engineering Festival attracted more than 50,000 participants and inspired a national effort to promote science and engineering;

Whereas thousands of universities, museums, science centers, corporate and private sponsors, and nonprofit organizations, have come together to produce the USA Science & Engineering Festival on a nationwide scale in Washington, D.C. in October, 2010;

Whereas the USA Science & Engineering Festival will highlight the important contribution of science and engineering to American competitiveness through exhibits on such topics as human spaceflight, satellites, weather forecasting, and telescopes;

Whereas the USA Science & Engineering Festival highlighting American accomplishments in science and engineering possible; and

(4) encourages families and their children to participate in the activities and exhibits which will occur on the National Mall and across America as satellite events to the USA Science & Engineering Festival.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee.

The Chair recognizes the gentleman from Tennessee.

Mr. GORDON of Tennessee. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Res. 1660, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was none.

Mr. GORDON of Tennessee. Madam Speaker, I yield myself such time as I may consume.

Mr. TANNER. I yield back the balance of my time.

The SPEAKER pro tempore. The time is 3:12 p.m.

Mr. GORDON of Tennessee. Madam Speaker, I rise today in strong support of House Resolution 1660, a resolution supporting the goals and ideals of the inaugural USA Science and Engineering Festival. I want to congratulate the gentleman...
from California (Mr. BILBRAY) for introducing this resolution.

A number of much-publicized studies have shown that the mathematics and science achievement of American students is poor by international standards, and a cloud over the future of American competitiveness. Without high-achieving math and science students today, we won’t have the innovative scientists, engineers and technologists for tomorrow.

The House recently passed the America COMPETES Act re-authorization, which seeks to improve STEM education at all levels, not only so that our Nation will produce the world’s leading scientists and engineers, but also so that all students, high school, and junior college students will have a strong background in math and science.

The USA Science and Engineering Festival, which is taking place in October on the National Mall and in satellite locations across the country, is a collaboration of hundreds of science and engineering companies, professional associations, colleges and universities, K–12 schools, and other organizations, all with the goal to recruit the next generation of scientists and engineers by inspiring students and showing them how science intersects daily with their lives. The culmination of the festival will be a free 2-day expo on the National Mall and will feature over 1,500 interactive science activities.

Once again I want to commend Mr. BILBRAY and his cosponsors for introducing this resolution, and urge my colleagues to join me in supporting the goals and ideals of the inaugural USA Science and Engineering Festival.

I reserve the balance of my time.

Mr. HALL of Texas. Madam Speaker, I rise in support of H. Res. 1660, and I yield myself such time as I may consume.

Madam Speaker, I, of course, rise in support of H. Res. 1660, supporting the goals and ideals of the USA Science and Engineering Festival taking place on the National Mall and at satellite events around the country.

This inaugural national event on October 23 and 24 is intended to celebrate science and raise awareness of the importance of science, technology, engineering, and math education in the United States. STEM education is a crucial component to our Nation’s growth and well-being. Advances in the science and engineering fields not only have made our lives significantly better but also have had a global impact as well.

The USA Science and Engineering Festival will have over 1,500 free hands-on activities and shows for all ages featuring some of the most talented and experienced specialists in the science and engineering fields. This festival aims to reinvigorate the interests of our Nation’s youth in STEM by producing and presenting the most compelling, exciting, educational, and entertaining science gatherings in the United States.

Inspiring our children to become more interested in the STEM fields and in careers through endeavors such as this is the key to unlocking our future potential and our success. Over 100 members of Congress have joined to support the efforts of this festival in a bipartisan fashion.

I am pleased to support the USA Science and Engineering Festival, and I encourage my colleagues to join me in this support.

At this time I yield such time as he may concur to the gentleman from California (Mr. BILBRAY), Mr. BILBRAY of Washington, Speaker, I rise today to offer a resolution to support the inaugural USA Science and Engineering Festival to be held here in Washington, D.C., and, more importantly, to be held in 49 other locations across the Nation between October 10 and October 24. I say “more importantly” because of the fact that sometimes those of us in Washington forget that we are the capital of the Nation, but we are not the Nation. The foundation of this Federal role is to make sure that we represent those communities out through-out this Nation, not just here in D.C.

This festival is actually going to be centered here in D.C. and in 49 other locations, and I think it is one of those bipartisan efforts that I would like to thank my colleagues for, those such as Chairman GORDON, PETE OLSON of Texas, CATHY MCCORMICK RODGERS and BRIAN BAIRD of Washington, two colleagues from Washington.

This is a unique opportunity for thousands of Americans to learn more about science and engineering from exhibits, participation, demonstrations, performances and discussions.

For those of us in San Diego who firsthand witnessed the wonderful event we had in 2009, the inaugural event of the San Diego Science and Engineering Festival that attracted far over a-half million participants, we are really kind of excited for the rest of the Nation to experience this.

Our Nation finds itself in the midst of a terrible economic recession, a crisis that is one that has been growing for generations, not one that was just spurred in the recent past. One of the key answers to pulling ourselves out of this economic trouble is to activate those entrepreneurial spirits in the scientific research that has always led America on the cutting edge of technology, and of economic and social prosperity.

Our Nation needs this kind of stimulus. Frankly, I think the USA Science and Engineering Festival is a great opportunity and can help the private sector work with the public sector. In fact, I think the latest I saw was that there were millions of dollars being put into this by the private sector because they see how important this investment of not just money, but of minds and creativity is going to be for all of us.

I am happy to say I think culturally America is waking up to the fact that science is cool, that science is a neat thing to be involved in. In fact, I think that those of us who remember when the chairman and I were growing up, the great heroes of law enforcement were Joe Friday and the cops carrying the badge, who are still the heroes, but now our young people are learning it is the scientists who can find that little particle that leads to the answers. And every day, every night we can always turn on the television now, and we don’t just see the strong cop on the beat, we see the scientists in the laboratory being our heroes.

Hopefully this will help to continue to grow the culture that being smart is cool, being a scientist is something to aspire to be. And maybe in our own little way, in our small way by supporting this festival, we can cultivate those minds and that creativity out there and maybe we will see the future Alexander Graham Bells, the Thomas Edisons, the Robert Fultons and many other great Americans who have been able to create the America we know today and the world we see around us that too often we take for granted that science and technology made it all possible.

With this event, maybe we will be able to remind all of us how lucky we are to be in America, where freedom of mind goes along with freedom of spirit.

Mr. HALL of Texas. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HALL of Tennessee. Madam Speaker, I once again thank my friend from San Diego for an excellent resolution and also for the good constructive role he plays on our Science and Technology Committee.

I yield back the balance of my time.

Mr. GORDON of Tennessee. Madam Speaker, I move to suspend the rules and agree to the resolution. (H. Res. 1660.)

The question was taken; and (two-thirds being in the affirmative) the motion agreed to.

Mr. GORDON of Tennessee. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1660).
Texas, for bringing the three astronauts, Fred Haise, Jim Lovell, and Jack Swigert, home to Earth safely.

The Speaker read the title of the resolution.

The text of the resolution is as follows:

H. Res. 1421

Whereas, on April 11, 1970, Apollo 13 was launched with an intended destination of Fra Mauro highlands on the Moon;

Whereas on the way to the Moon, roughly 196,990 miles from Earth, the number 2 oxygen tank exploded and seriously damaged the Apollo 13 spacecraft;

Whereas after mission control calculated that a lunar landing was impossible, mission control decided to fly a circumlunar orbit and use the Moon's gravity to return the ship to Earth;

Whereas the tireless and heroic work of both mission control and the astronauts on board the spacecraft allowed Apollo 13 to safely navigate back to Earth;

Whereas the heroic work of mission control in Houston, Texas, solved a number of unique engineering problems, such as using the lunar module as a lifeboat for the crew and devising a carbon dioxide control system from scratch;

Whereas without the outstanding work of the men and women at mission control, the astronauts would most certainly not have been able to return to Earth safely;

Whereas the safe return of the crew is a testament to United States ingenuity, and a can-do attitude which represents the best of United States ingenuity and the valor of the people of the Great State of Tennessee (Mr. GORDON) and the gentle- man from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. GORDON of Tennessee. I ask unanimous consent that the third reading be dispensed with, that the Clerk speedily report progress of this resolution, and that the text of the resolution appear on the next day's calendar. Mr. HALL of Texas. Madam Speaker, I yield myself such time as I may consume. "I rise in support of H. Res. 1421, recognizing the 40th anniversary of the Apollo 13 mission both to inspire us and remind us of the importance of ensuring safety and the strength and capabilities of our human spaceflight workforce as we send our astronauts into space. "I would like to thank the resolution's sponsor, Mr. Poe, for introducing this good resolution. I reserve the balance of my time.

Mr. HALL of Texas. Madam Speaker, I yield myself such time as I may consume. I rise in support of H. Res. 1421, recognizing the 40th anniversary of the Apollo 13 mission both to inspire us and remind us of the importance of ensuring safety and the strength and capabilities of our human spaceflight workforce as we send our astronauts into space.

Mr. HALL of Texas. Madam Speaker, I yield back the balance of my time. Mr. GORDON of Tennessee. I am proud to support this resolution. I rise in support of H. Res. 1421, recognizing the 40th anniversary of the Apollo 13 mission both to inspire us and remind us of the importance of ensuring safety and the strength and capabilities of our human spaceflight workforce as we send our astronauts into space. "I would like to thank the resolution's sponsor, Mr. Poe, for introducing this good resolution. I reserve the balance of my time.

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better characterize and quantify virgin stocks of rare earth materials using theoretical geochemical research;
(b) explore, discover, and recover rare earth materials using advanced science and technology;
(c) improve methods for the extraction, processing, use, recovery, and recycling of rare earth materials;
(d) improve the understanding of the performance, processing, and adaptability in engineering designs of rare earth materials;
(e) evaluate the most alternative materials that can be substituted for rare earth materials in particular applications;
(f) encourage the development of application that:
(i) use recycled rare earth materials;
(ii) use alternative materials; or
(iii) seek to minimize rare earth materials content;
(g) collect, catalogue, archive, and disseminate information on rare earth materials, including scientific and technical data generated by the research and development activities supported under this section, and assist scientists and engineers in making the fullest possible use of the data holdings; and
(H) facilitate information sharing and collaboration among program participants and stakeholders.
3. IMPROVED PROCESSES AND TECHNOLOGIES.—To the maximum extent practicable, the Secretary shall support new or significantly improved processes and technologies as compared to those currently in use in the materials industry.
4. EXPANDING PARTICIPATION.—The Secretary shall encourage:
(A) multidisciplinary collaborations among program participants; and
(B) extensive opportunities for students at institutions of higher education, including institutions of higher education participating in the Higher Education Act of 1965 (20 U.S.C. 1007q(a)).
5. CONSISTENCY.—The program shall be consistent with the policies and programs in the National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 1601 et seq.).
6. INTERNATIONAL COLLABORATION.—In carrying out the program, the Secretary may collaborate, to the extent practicable, on activities of mutual interest with the relevant agencies in other countries with interests relating to rare earth materials.
(b) PLAN.—
(1) IN GENERAL.—Within 180 days after the date of enactment of this Act and biennially thereafter, the Secretary shall prepare and submit to the appropriate Congressional committees a plan to carry out the program established under subsection (a).
(2) SPECIFIC REQUIREMENTS.—The plan shall include a description of:
(A) the research and development activities to be carried out by the program during the subsequent 2 years;
(B) the expected contributions of the program to the creation of innovative methods and technologies for the efficient and sustainable provision of rare earth materials to the domestic economy;
(C) the criteria to be used to evaluate applications for loan guarantees under section 1706 of the Energy Policy Act of 2005;
(D) any projects receiving loan guarantee support under such section and the status of such projects;
(E) how the program is promoting the broadest possible participation by academic, industrial, and other contributors; and
(F) actions taken or proposed that reflect recommendations from the assessment conducted under subsection (c) or the Secretary not taking action in accordance with any recommendation from such assessment for plans submitted following the completion of the assessment under such subsection.
(3) CONSULTATION.—In preparing each plan under paragraph (1), the Secretary shall consult with appropriate representatives of industry, institutions of higher education, Department of Energy National laboratories, professional and technical societies, and other entities, as determined by the Secretary.
(c) ASSESSMENT.—
(1) IN GENERAL.—After the program has been in operation for 4 years, the Secretary shall offer to enter into a contract with the National Academy of Sciences under which the National Academy shall conduct an assessment of the program under subsection (a).
(2) INCLUSIONS.—The assessment shall include the recommendation of the National Academy of Sciences that the program should be—
(A) continued, accompanied by a description of any improvements needed in the program; or
(B) terminated, accompanied by a description of the lessons learned from the execution of the program.
(d) AVAILABILITY.—The assessment shall be made available to Congress and the public upon completion.
SEC. 102. RARE EARTH MATERIALS LOAN GUARANTEE PROGRAM.
(a) AMENDMENT.—Title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.) is amended by adding at the end of the following new section:
"SEC. 1706. TEMPORARY PROGRAM FOR RARE EARTH MATERIALS REVITALIZATION.
(1) IN GENERAL.—As part of the program established in section 101 of the Rare Earths and Critical Materials Revitalization Act of 2010, the Secretary of Energy is authorized, to the extent provided in this Act, to make guarantees under this title for the commercial application of new or significantly improved technologies (as compared to technologies currently in use in the United States)."
I call on my colleagues to support H.R. 6160, and I look forward to its passage.

I reserve the balance of my time.

Mr. HALL of Texas. I yield myself such time as I may consume.

I rise in strong support today of H.R. 6160, the Rare Earths and Critical Materials Revitalization Act of 2010. This bill was introduced by the gentlelady from Pennsylvania (Mrs. DAHLKEMPER) and cosponsored by Mr. JERRY LEWIS, Mr. COFFMAN, Mr. CARNAHAN, myself, and a number of other Members who all recognize that we must take steps to recapture our technological lead in a wide range of industries critical to our economic health, our national defense, and a clean and secure energy future.

For the last week you couldn’t open a newspaper or watch TV without seeing a story about our reliance on China for a little-known but critical class of raw materials called “rare earths.” Rare earths are an essential component of technologies in a wide array of emerging and established industries, and for everything from oil refining to hybrid cars, wind turbines to weapons systems, computer monitors to disk drives, the future demand for rare earths is only expected to grow. However, despite the U.S. at one time being the leader in this field, China now controls 97 percent of the global market. Making matters more urgent, China has begun limiting production and export of rare earths. This is clearly an untenable position for the U.S.

The legislation before us today, H.R. 6160 intends to do so through establishment of a rare earth materials research and development program and authorization of loan guarantees to support rare earth materials mining, processing, and production activities. Notwithstanding the clear and significant potential for a rare earth supply shortage, the House Committee markup of this bill Republicans questioned whether the activities called for in H.R. 6160 provide the appropriate policy response to this issue. I will summarize these concerns as they were noted in the GOP views included in the report on the bill.

To the extent that a rare earth supply gap may present national security concerns, such concerns should probably be addressed through the Department of Defense and the House and Senate Armed Services Committees.

With respect to commercial supply needs, taxpayer subsidies in the form of loan guarantees should be restricted to those areas not undertaken by the private sector. This is particularly important in the case of rare earths due to the aggressive private pursuit of rare earth mining opportunities in response to recent price increases. Unfortunately, an amendment to address this concern was defeated in committee.

I am pleased, however, that several other Republican amendments to improve H.R. 6160 were approved with bipartisan support, specifically amendments removing authorizations for R&D activities; two, elimination of a rare earth “R&D Information Center”; three, limit loan guarantee support for the exportation of unprocessed rare earth materials necessary to meet domestic demand; and, four, reduce the length of authorization for rare earth loan guarantees from 8 years to 5 years.

Further, modified language addressing additional Republican concerns related to the international collaboration was included in the markup, and I thank Chairman GORDON for working with our side of the aisle to improve this provision.

Overall, despite the many remaining questions and concerns regarding rare earths in this legislation, I recognize the importance of ensuring a stable supply of rare earth materials and the potential for a near-term supply shortage, and I remain committed to working on this issue and on this bill as it moves through the legislative process.

I reserve the balance of my time.

Mr. GORDON of Tennessee. I yield such time as she may consume to the lead sponsor of this good bill, the gentlewoman from Pennsylvania (Mrs. DAHLKEMPER).

Mrs. DAHLKEMPER. Madam Speaker, I want to thank the leadership of this House and, particularly, Chairman GORDON and Ranking Member HALL for allowing this bill to come forward. I think it is a very important piece of legislation for, certainly, the national defense and the economy of our country.

I ask: What would happen to our national defense if we could no longer build a jet engine, vehicle batteries or advanced targeting systems? What are the chances that our country would become energy independent if we could not produce hybrid cars, wind turbines or other alternative energy products? What would happen to our economy if the technologies we depend on to make business work were no longer available?

These are questions we would have to answer if China cut off our supply of rare earth materials—vital components to nearly every piece of advanced technology we use in commerce, defense and throughout business and industry.

For the past decade, the United States has been almost entirely dependent on China for its supply of rare earth materials despite the fact that we have an abundant reserve of these materials within our own borders. China currently accounts for as much as 90 percent of the world’s available supply of rare earth materials, but we are reducing the amount of these materials going into the global market. Just this summer, China announced it would cut its rare earth exports for the second half of 2010 by 72 percent.

The bottom line is this: China is cornering the market on rare earth materials, and we, the United States, are falling behind. That is why we need to act now to begin the process of creating our own domestic supply of rare earth materials so the United States is never dependent on China or on any other country for crucial components for our national security.

My bill, H.R. 6160, the Rare Earths and Critical Materials Revitalization Act, is a bipartisan plan to jump-start U.S. research and development in rare earth materials to improve our ability to find, extract, process, and use rare earths to improve products. We want to ultimately create a robust domestic supply of rare earths.

My legislation will foster a strong rare earths industry here in the United...
States. The scope of this bill spans the full supply chain from exploration to mining to manufacturing. It will reduce risks in financing new rare earth production facilities by guaranteeing loans to companies with new processing and refining technologies. My bill will also create a U.S. minerals and materials policy so we are never without a plan of action if our supply of rare earths falls short.

China has stated clearly that foreign firms that move their manufacturing capabilities onto Chinese soil will have no trouble procuring rare earth materials for their needs. That’s just another way that American manufacturing jobs are being lured overseas. That has to stop. We need to make things right here in our country and to give those great manufacturing jobs to American men and women.

Madam Speaker, this bill cannot wait. Just last week, China reportedly cut off Japan’s supply of rare earths in the wake of a territorial conflict. This is a clear warning sign, and we would be foolish to ignore it. If China is willing to use its control of rare earths as leverage over other countries, we need to counter that advantage by jump-starting our domestic market of rare earths now. The GAO reports that it may take up to 15 years to rebuild the United States’ rare earth supply chain.Delaying the seed money to begin this process only prolongs our dependency on China.

I urge my colleagues to support this bipartisan plan to promote U.S. global competitiveness and to ensure our national defense technology is made in America.

Mr. BILBRAY. Madam Speaker, I appreciate the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Madam Speaker, I appreciate this bill on two points. I appreciate the fact that the chairman of the Science and Technology Committee has been willing to bring forth this bill but to tell our colleagues that we have to open up the public lands to allow the mining to be done so that we can work to create these miracles. Too often we are willing to talk about spending money to do the kinds of things that need to be done, but we are not willing to say we need to reform our Federal regulations and our processes to make those things possible.

One hears all the time that what America needs for energy independence is a new Manhattan Project. Well, ladies and gentlemen, as somebody who worked on environmental issues for over 30 years, the Manhattan Project would be illegal to do today. Federal regulation would not allow a Manhattan Project. As the committee that works on science, we need to understand that and to work much more hand in hand. The jurisdiction of the Natural Resources Committee needs to be partners in this effort. We need to tear down the barriers of government regulation which do not allow access to those important components that are public property and public resources. The American people own these resources, and they should be able to have access to them.

So I want to thank the chairman. This is probably one of his last bills to be before this committee. It is a great, great bill at a critical time. I hope the committees of jurisdiction, such as the Natural Resources Committee, will be as strong and as brave to bring these items forward so the gentlewoman from Pennsylvania’s bill can not only see the light of day here in this body but actually can see the implementation of one of the most important things that is facing us as an economy and as a free people, which is just making sure that we have the access to those items that make these miracles possible.

Thank you very much for this bill, and I support it.

Mr. HALL of Texas. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GORDON of Tennessee. I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and pass the bill, H.R. 6200, as amended.

The SPEAKER pro tempore. The yeas and nays were ordered. The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair’s prior announcement, further proceedings on this motion will be postponed.
It also helps us learn more about what kind of help disabled beneficiaries may need if they are able to return to work, which will allow us to make other improvements in future legislation.

Second, this legislation would allow all WIPA grantees to carry over 10 percent of their funding into the next year, a change originally proposed by the Obama Administration. This change will allow for better and more consistent funding instead of encouraging end-of-year spending.

By extending WIPA and PABSS for a year, we reaffirm our commitment to these important work support programs, while also acknowledging the need to consider policy and funding changes in the near future.

I urge my colleagues to support this bipartisan, commonsense legislation.

I reserve the balance of my time.

Mr. SAM JOHNSON of Texas. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of the important extension of two very important provisions of the Ticket to Work Act of 1999 which basically helps disabled Americans return to work when, and if, they can. This has been a bipartisan team effort. I was pleased to work on with Mr. JOHNSON some time ago. The bill has no direct spending and complies with pay-as-you-go rules.

I am pleased to support this important extension of two programs from the bipartisan Ticket to Work Act of 1999, which was introduced by my colleagues EARL POMEROY, Jim MCDERMOTT, and SAM JOHNSON.

This has been a bipartisan, collaborative effort to ensure that two important programs that help disabled Americans return to work continue for another year, and I thank my colleagues for their good work on this issue.

The Work Incentives Planning and Assistance program (WIPA) provides $23 million for community-based organizations to provide personalized assistance to help Supplemental Security Income (SSI) and Social Security Disability benefits recipients understand Social Security's complex work incentive policies and the effect that working will have on their benefits. In 2009, WIPA assisted over 37,000 SSI and DI beneficiaries who wanted to return to work.

The Protection and Advocacy for Beneficiaries of Social Security (PABSS) program provides $7 million in grants to designated Protection and Advocacy Systems to provide legal advocacy services that beneficiaries need to secure, maintain, or regain employment. In 2010, PABSS served nearly 9,000 beneficiaries.

If Congress does not extend these programs by the end of October, the Social Security Administration has told us there may be a lapse in service to beneficiaries, so it's important that we act now.

The bill also includes two commonsense, good-government changes to increase accountability and make the WIPA program more efficient.

First, we add a requirement that all WIPA grantees report data to the Social Security Administration about the beneficiaries they serve and the kinds of help they provided, the same requirement that current PABSS grantees have.

Good data is critical to our efforts to make sure that taxpayer funds to WIPAs are well-spent.

Mr. TANNER. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to review and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. TANNER. Madam Speaker, I yield myself as much time as I may consume.

This bill is an extension of two very important provisions of the Ticket to Work Act of 1999 which basically helps disabled Americans return to work when, and if, they can. This has been a bipartisan effort. I was pleased to work on with Mr. JOHNSON some time ago. The bill has no direct spending and complies with pay-as-you-go rules.

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TITLE IV—MODIFICATIONS RELATED TO INVESTMENT COMPANIES

Sec. 302. Preamble to paragraph (2) the following new paragraph:

Sec. 301. Modification of dividend designation requirements and allocations rules for regulated investment companies.

Sec. 303. Penalty for such exempt-interest dividends and foreign tax credits in fund of funds structure.

Sec. 304. Preamble and note to section 1212a(a)(1) amended by redesignating paragraph (2) as paragraph (3) and by inserting after paragraph (2) the following new paragraph:

Sec. 305. Return of capital distributions of regulated investment companies.

Sec. 306. Distributions in redemption of stock of a regulated investment company.

Sec. 307. Preamble to paragraph (2) the following new paragraph:

Sec. 308. Elective deferral of certain late-deferred transactions.

Sec. 309. Exception to holding period requirement for certain regularly disclosed exempt-interest dividends.

TITLE V—OTHER PROVISIONS

Sec. 401. Excise tax exemption for certain regulated investment companies.

Sec. 402. Deferral of certain gains and losses of regulated investment companies for excise tax purposes.

Sec. 403. Distributed amount for excise tax purposes.

Sec. 404. Increase in required distribution of capital gain net income.

TITLE VI—PAYGO COMPLIANCE

Sec. 405. Preamble to paragraph (2) the following new paragraph:

Sec. 406. Paygo compliance.

TITLE IX—MODIFICATIONS TO SATISFY REQUIREMENTS OF SUBSECTION (B)(3) OF SECTION 851

Sec. 501. Repeal of assessable penalty with respect to failure to satisfy requirements of subsection (b)(3) of section 851.

Sec. 601. Paygo compliance.

Sec. 404. Increase in required distribution of capital gain net income.

Sec. 407. Repeal of preferential dividend rule for publicly-offered regulated investment companies.

Sec. 408. Elective deferral of certain late-deferred transactions.

Sec. 409. Exception to holding period requirement for certain regularly disclosed exempt-interest dividends.

TITLE XI—MODIFICATIONS RELATED TO REGULATED INVESTMENT COMPANIES

Sec. 502. Modification of sales load basis defer rule for regulated investment companies.

TITLE XII—OTHER PROVISIONS

Sec. 602. Preamble to paragraph (2) the following new paragraph:

Sec. 603. Paygo compliance.

TITLE XIII—EXCISE TAX APPLICABLE TO REGULATED INVESTMENT COMPANIES

Sec. 401. Excise tax exemption for certain regulated investment companies.

Sec. 402. Deferral of certain gains and losses of regulated investment companies for excise tax purposes.

Sec. 403. Distributed amount for excise tax purposes.

Sec. 404. Increase in required distribution of capital gain net income.

TITLE XIV—OTHER PROVISIONS

Sec. 501. Preamble to paragraph (2) the following new paragraph:

Sec. 601. Paygo compliance.

TITLE XV—REGULATED INVESTMENT COMPANIES TO SATISFY GROSS INCOME REQUIREMENTS

Sec. 502. Modification of sales load basis defer rule for regulated investment companies.

TITLE XVI—PAYGO COMPLIANCE

Sec. 603. Paygo compliance.
TITLED III—MODIFICATION OF RULES RELATED TO DIVIDENDS AND OTHER DISTRIBUTEES

SEC. 301. MODIFICATION OF DIVIDEND DESIGNATION REQUIREMENTS AND ALLOCATION RULES FOR REGULATED INVESTMENT COMPANIES.

(a) CAPITAL GAIN DIVIDENDS.—

(1) IN GENERAL.—Subparagraph (C) of section 852(b)(3) is amended to read as follows:

"(C) DEFINITION OF CAPITAL GAIN DIVIDEND.—

"(i) IN GENERAL.—Except as provided in clause (ii), a capital gain dividend is any dividend or part thereof (other than a capital gain dividend) paid by a regulated investment company and reported by the company under clause (i) of capital gain dividends for the taxable year (including capital gain dividends paid after the close of the taxable year described in section 855)."

(2) CONFORMING AMENDMENT.—Subparagraph (B) of section 860(d)(2) is amended by inserting "or reported" after "paid as dividends" in subparagraph (A) for the taxable year which results from a determination (as defined in section 860(e)), the company may, subject to the limitations of this subparagraph, increase the amount of capital gain dividends reported under clause (i).

(iv) ADJUSTMENT FOR DETERMINATIONS.—If there is an increase in the excess described in subparagraph (A) for the taxable year described in section 855, the term 'aggregate amount of capital gain dividends paid after December 31 of the taxable year' is increased by the excess described in section 855.

(v) SPECIAL RULE FOR YEARS AFTER OCTOBER 31.—For purposes of this section, the term 'aggregate amount of capital gain dividends paid after December 31 of the taxable year' is increased by the excess described in section 855.

(b) EXEMPT-INTEREST DIVIDENDS.—Subparagraph (A) of section 852(b)(3) is amended to read as follows:

"(A) DEFINITION OF EXEMPT-INTEREST DIVIDEND.—

"(i) IN GENERAL.—Except as provided in clause (ii), an exempt-interest dividend is any dividend or part thereof (other than an exempt-interest dividend) paid by a regulated investment company and reported by the company under clause (i) of exempt-interest dividends for the taxable year (including exempt-interest dividends paid after the close of the taxable year described in section 855)."

(2) CONFORMING AMENDMENTS.—Subsection (d) of section 853 is amended—

(A) by striking "so designated by the company in a written notice mailed to its shareholders not later than 60 days after the close of the taxable year" and inserting "so reported by the company in a written statement furnished to such shareholder"; and

(B) by striking "NOTIFYING SHAREHOLDERS" and inserting "STATEMENTS".

(c) FOREIGN TAX CREDITS.—

(i) IN GENERAL.—Subsection (c) of section 853A is amended—

(A) by striking "and the notice to shareholders required by subsection (c) in the text thereof," and

(B) by striking "AND NOTIFYING SHAREHOLDERS" in the heading thereof.

(d) CREDITS FOR TAX PAYABLE.—

(i) IN GENERAL.—Subsection (c) of section 853A is amended—

(A) by striking "so designated by the regulated investment company in a written notice mailed to its shareholders not later than 60 days after the close of its taxable year" and inserting "so reported by the regulated investment company in a written statement furnished to such shareholder"; and

(B) by striking "NOTIFYING SHAREHOLDERS" and inserting "STATEMENTS".

(2) CONFORMING AMENDMENTS.—Subsection (d) of section 853A is amended—

(A) by striking "and the notice to shareholders required by subsection (c) in the text thereof," and

(B) by striking "AND NOTIFYING SHAREHOLDERS" in the heading thereof.

(e) DIVIDEND RECEIVED DEDUCTION, ETC.—

(1) IN GENERAL.—Paragraph (1) of section 854(b) is amended—

(A) by striking "designated under this subparagraph by the regulated investment company" in subparagraph (A) and inserting "reported by the regulated investment company as qualified dividends"; and

(B) by striking "designated by the regulated investment company in a written notice furnished to its shareholders", and inserting "reported by the regulated investment company in a written statement furnished to its shareholders".

(f) POST-DECEMBER REPORTED AMOUNT.—The term 'post-December reported amount' means the aggregate amount of dividends reported by the company under clause (i) as exempt-interest dividends for the taxable year (including exempt-interest dividends paid after December 31 of the taxable year) after the date of the enactment of this Act.
(C) by striking "designated" in subparagraph (C)(i) and inserting "reported"; and
(D) by striking "designated" in subparagraph (C)(ii) and inserting "reported".

(2) By striking "and" before "shareholders under clause (i) as a short-term capital gain dividend." and inserting "under clause (i) as a short-term capital gain dividend.".

(3) By inserting before "the term 'short-term capital gain dividend' means any dividend, or part thereof, which is reported to its shareholders as a short-term capital gain dividend." the following:
"(C) INTEREST-RELATED DIVIDEND.—For purposes of this paragraph—

(i) The term "reported short-term capital gain dividend amount" means the amount reported to its shareholders under clause (i) as a short-term capital gain dividend.

(ii) Excess reported amount.—The term 'excess reported amount' means the excess of—

(I) the excess reported amount which is allocable to such reported short-term capital gain dividend amount, over

(II) the aggregate reported amount under clause (i) as a short-term capital gain dividend.

(iii) Allocation of excess reported amount.—The term 'allocation of excess reported amount' means the excess of—

(I) the reported short-term capital gain dividend amount, over

(II) the excess reported amount which is allocable to such reported short-term capital gain dividend amount.

(iv) Definitions.—For purposes of this subparagraph—

(I) The term 'aggregate reported amount' means—

(A) the sum of—

(I) the reported short-term capital gain dividend amount, and

(II) the excess reported amount which is allocable to such reported short-term capital gain dividend amount, over

(II) the aggregate reported amount under clause (i) as a short-term capital gain dividend.

(B) The terms "interest-related dividend" and "interest-related dividends" include dividends from regulated investment companies (other than by reason of section 265 or 171(a)(2)) in computing its taxable income for such taxable year.

(C) By striking "exempt-interest dividends to its shareholders (including short-term capital gain dividends paid after the close of the taxable year described in section 855)" and inserting "exempt-interest dividends to its shareholders (including short-term capital gain dividends paid after the close of the taxable year described in section 855)".

(D) By inserting before "the term 'aggregate reported amount' means the aggregate amount of dividends reported by the company under clause (i) as interest related dividends for the taxable year incurring interest related dividends paid after the close of the taxable year described in section 855." the following:
"(IV) REGULATED INVESTMENT COMPANY.—The term 'regulated investment company' includes a regulated investment company determined without regard to the requirements of subsection (a)(1)."

(4) Regulated Investment Company.—For purposes of this subsection, the term 'regulated investment company' includes a regulated investment company determined without regard to the requirements of subsection (a)(1).

(5) Conforming Amendments.—Section 852(c) is amended to read as follows:

"(1) the term 'short-term capital gain dividend' shall not include any dividend with respect to—

(A) a regulated investment company determined without regard to the requirements of subsection (a)(1) thereof,

(B) a qualified fund of funds, and

(C) a fund that was organized or acquired as an exempt-interest dividend to its shareholders (including short-term capital gain dividends paid after the close of the taxable year described in section 855) which does not begin and end in the same calendar year, for purposes of this subsection, the term 'qualified fund of funds' means a regulated investment company determined without regard to the requirements of subsection (a)(1) thereof.

(6) Effective Date.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 303. PASS-THRU OF EXEMPT-INTEREST DIVIDENDS AND FOREIGN TAX CREDITS IN FUND OF FUNDS STRUCTURE.

(a) In General.—Section 852 is amended by adding at the end the following new subsection:

"(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 304. MODIFICATION OF RULES FOR SPILL-OVER DIVIDENDS FROM REGULATED INVESTMENT COMPANIES.

(a) Deadline for Declaration of Dividend.—Paragraph (1) of section 855(a) is amended to read as follows:

"(1) declares a dividend before the later of—

"(I) the close of the taxable year described in section 855),

"(II) any dividend arising on the first day of the next taxable year by reason of clause (i) of paragraph (1) of section 855(a)(2), and

(b) Effective Date.—The amendment made by this subsection shall apply to taxable years beginning after the date of the enactment of this Act.
“(a) the 15th day of the 9th month following the close of the taxable year, or
“(b) in the case of an extension of time for filing the return, the due date for filing such return, taking into account such extension, and”,

(b) DEADLINE FOR DISTRIBUTION OF DIVIDEND.—Paragraph (4) of section 852 is amended by striking “the first regular dividend payment” and inserting “the first dividend payment of the same type of dividend”.!

(c) ELECTION BY REGULATED INVESTMENT COMPANIES.—Paragraph (3) of section 852 is amended by striking “the amount” and inserting “the amount and”.!

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions in taxable years beginning after the date of the enactment of this Act.

SEC. 304. RETURN OF CAPITAL DISTRIBUTIONS OF STOCK OF A REGULATED INVESTMENT COMPANY.

(a) IN GENERAL.—Subsection (b) of section 356 is amended by adding at the end the following new paragraph:

“(4) Certain distributions by regulated investment companies in excess of earnings and profits.—In the case of a regulated investment company that has a taxable year other than a calendar year, if the distributions by the company with respect to any class of stock of such company for the taxable year exceed the company’s current and accumulated earnings and profits which may be used for the payment of dividends on such class of stock, the company’s current earnings and profits shall, for purposes of subsection (a), be allocated first to distributions with respect to such class of stock made during the portion of the taxable year which precedes January 1.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after the date of the enactment of this Act.

SEC. 305. DISTRIBUTIONS IN REDEMPTION OF STOCK OF A REGULATED INVESTMENT COMPANY.

(a) REDEMPTIONS TREATED AS EXCHANGES.—

(1) IN GENERAL.—Subsection (b) of section 302 is redesignated as paragraph (5) and by inserting after paragraph (4) the following new paragraph:

“(5) Redemptions by certain regulated investment companies.—Except to the extent provided in regulations prescribed by the Secretary, subsection (a) shall apply to any distribution in redemption of stock of a publicly offered regulated investment company (within the meaning of section 67(c)(2)(B)) if—

“(A) such redemption is upon the demand of the stockholder, and

“(B) such company issues only stock which is redeemable upon the demand of the stockholder, and

“(C) the amount of such redemption is derived from the income and gain of the regulated investment company which is attributable to the portion of the taxable year after December 31, over

“(i) the sum of—

“(I) the specified gains (as defined in section 482(e)(5)(B)(i)) attributable to the portion of the taxable year after December 31, plus

“(II) the ordinary income not described in subparagraph (i) attributable to the portion of the taxable year after December 31, over

“(1) the sum of—

“(A) the income and gain of the regulated investment company which is attributable to the portion of the taxable year after December 31, over

“(i) the specified gains (as defined in section 482(e)(5)(B)(i)) attributable to the portion of the taxable year after December 31, plus

“(ii) the ordinary income not described in subparagraph (i) attributable to the portion of the taxable year after December 31, over

“(III) such redemption is upon the demand of another regulated investment company.”,

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions made after the date of the enactment of this Act.

SEC. 307. REPEAL OF PREFERENTIAL DIVIDEND RULE FOR PUBLICLY OFFERED REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Subsection (c) of section 562 is amended by striking “the amount” and inserting “the amount and”.!

(b) CONFORMING AMENDMENT.—Section 562(c) is amended by inserting “(other than a publicly offered regulated investment company (as defined in section 67(c)(2)(B)), the amount)”.!

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions in taxable years beginning after the date of the enactment of this Act.

SEC. 308. ELECTIVE DEFERRAL OF CERTAIN LATE-YEAR LOSSES OF REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Paragraph (8) of section 832(b) is amended to read as follows:

“(8) ELECTIVE DEFERRAL OF CERTAIN LATE-YEAR LOSSES.—

“(A) IN GENERAL.—Except as otherwise provided by the Secretary, a regulated investment company may elect for any taxable year to treat any portion of any qualified late-year loss for such taxable year as arising on the first day of the following taxable year for purposes of this chapter to distributions made by a regulated investment company (as defined in section 67(c)(2)(B)), the amount).”!

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 309. EXCEPTIO TO HOLDING PERIOD REQUIREMENT FOR CERTAIN REGULARLY DECLARED EXEMPT-INTEREST DIVIDENDS.

(a) IN GENERAL.—Subparagraph (E) of section 832(b)(4) is amended by striking all that precedes “or” and inserting “or”,

(b) CONFORMING AMENDMENT.—Clause (ii) of section 817(h)(4), or

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

TITLE IV—MODIFICATIONS RELATED TO EXCISE TAX APPLICABLE TO REGULATED INVESTMENT COMPANIES

SEC. 401. EXCISE TAX EXEMPTION FOR CERTAIN REGULARLY DECLARED EXEMPT-INTEREST DIVIDENDS.

(a) IN GENERAL.—Subsection (i) of section 4982 is amended—

(1) by striking “either” in the matter preceding paragraph (1),

(2) by striking “or” at the end of paragraph (1),

(3) by striking the period at the end of paragraph (2), and

(4) by inserting after paragraph (2) the following new paragraph:

“(3) any other tax-exempt entity whose ownership of beneficial interests in the company would not preclude the application of section 871(h)(4), or

“(4) another regulated investment company described in this subsection.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.
SEC. 492. DEFERRAL OF CERTAIN GAINS AND LOSSES OF REGULATED INVESTMENT COMPANIES FOR EXCISE TAX PURPOSES.

(a) In General.—Subsection (e) of section 4982 is amended by striking paragraphs (5) and (6) and inserting the following new paragraphs:

‘‘(5) Treatment of specified gains and losses after October 31 of calendar year.—

‘‘(A) In general.—Any specified gain or specified loss which (but for this paragraph) would be properly taken into account for the portion of the calendar year after October 31 shall be treated as arising on January 1 of the following calendar year.

‘‘(B) Specified gains and losses.—For purposes of this paragraph:

‘‘(i) Specified gain.—The term ‘specified gain’ means ordinary gain from the sale, exchange, or other disposition of property (including the termination of a position with respect to such property). Such term shall include any foreign currency gain attributable to a section 988 transaction (within the meaning of section 988) and any amount includible in gross income under section 1296(a)(1).

‘‘(ii) Specified loss.—The term ‘specified loss’ means ordinary loss from the sale, exchange, or other disposition of property (including the termination of a position with respect to such property). Such term shall include any foreign currency loss attributable to a section 988 transaction (within the meaning of section 988) and any amount allowable as a deduction under section 1296(a)(2).

‘‘(C) Special rule for companies electing to use the taxable year.—In the case of any company making an election under paragraph (4) of subsection (a) of this section, such term shall be applied by substituting the last day of the company’s taxable year for October 31.

‘‘(D) Treatment of mark to market gains.—

‘‘(A) In general.—For purposes of determining a regulated investment company’s ordinary income, notwithstanding paragraph (1)(C), each specified mark to market provision shall be applied as if such company’s taxable year ended on October 31. In the case of a company making an election under paragraph (4) of subsection (a) of this section, such provision shall be applied by substituting the last day of the company’s taxable year for October 31.

‘‘(B) Specified mark to market provision.—This paragraph shall apply to such company for the following calendar year after the date of the enactment of this Act.

‘‘(E) Elective deferral of certain ordinary losses.—Except as provided in regulations prescribed by the Secretary of the Treasury, in the case of a regulated investment company which has a taxable year other than the calendar year—

‘‘(A) such company may elect to determine its ordinary income for such calendar year without regard to any net ordinary loss (determined without regard to specified gains and losses taken into account under paragraph (5)) which is attributable to the portion of such calendar year which is after the beginning of the taxable year which begins in such calendar year; and

‘‘(B) any amount of net ordinary loss not taken into account for a calendar year by reason of subparagraph (A) shall be treated as arising on the 1st day of the following calendar year.’’.

(b) Effective Date.—The amendments made by this paragraph apply to calendar years beginning after the date of the enactment of this Act.

SEC. 403. DISTRIBUTED AMOUNT FOR EXCISE TAX PURPOSES DETERMINED ON BASIS OF TAXES PAID BY REGULATED INVESTMENT COMPANY.

(a) In General.—Subsection (c) of section 4982 is amended by adding at the end the following new paragraph:

‘‘(4) Special rule for estimated tax payments.—

‘‘(A) In general.—In the case of a regulated investment company which elects the application of this paragraph for any calendar year—

‘‘(i) the distributed amount with respect to such company for such calendar year shall be increased by the amount on which qualified estimated tax payments are made by such company during such calendar year, and

‘‘(ii) the distributed amount with respect to such company for the following calendar year shall be reduced by the amount of such increase.

‘‘(B) Qualified estimated tax payments.—For purposes of this paragraph, the term ‘qualified estimated tax payments’, with respect to any calendar year, payments of estimated tax of a tax described in paragraph (1)(B) for any taxable year which begins (but does not end) in such calendar year.

‘‘(C) Effective date.—The amendment made by this section shall apply to calendar years beginning after the date of the enactment of this Act.

SEC. 404. INCREASE IN REQUIRED DISTRIBUTION OF CAPITAL GAIN NET INCOME.

(a) In General.—Subparagraph (b)(1)(i) of section 6692(b) is amended by striking ‘‘90 percent’’ and inserting ‘‘96.2 percent’’.

(b) Effective Date.—The amendments made by this section shall apply to calendar years beginning after the date of the enactment of this Act.

TITLE V—OTHER PROVISIONS

SEC. 501. REPEAL OF ASSESSABLE PENALTY WITH RESPECT TO LIABILITY FOR TAX OF REGULATED INVESTMENT COMPANIES.

(a) In General.—Part I of subchapter B of chapter 68 is amended by striking section 6697 and by striking the item relating to section 6697 in the table of sections of such chapter.

(b) Conforming Amendment.—Section 860(a)(5) is amended by striking ‘‘(1)(C)’’.

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 502. MODIFICATION OF SALES LOAD BASIS DETERMINATION FOR REGULATED INVESTMENT COMPANIES.

(a) In General.—Subparagraph (C) of section 852(b)(1) is amended by striking ‘‘subsequently acquires’’ and inserting ‘‘acquires’’, during the period beginning on the date of the disposition referred to in subparagraph (B) and ending on January 31 of the calendar year following the calendar year that includes the date of such disposition.’’.

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 503. MODIFICATION OF SALES LOAD BASIS DETERMINATION FOR REGULATED INVESTMENT COMPANIES.

(a) In General.—Subparagraph (C) of section 852(b)(1) is amended by striking ‘‘subsequently acquires’’ and inserting ‘‘acquires’’, during the period beginning on the date of the disposition referred to in subparagraph (B) and ending on January 31 of the calendar year following the calendar year that includes the date of such disposition.’’.

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

TITLe VI—PAYGO COMPLIANCE

SEC. 601. PAYGO COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ‘‘Budgetary Effects of the PAYGO Legislation’’ for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement was submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. NEAL) and the gentleman from Michigan (Mr. CAMP) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. NEAL. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the bill under consideration.

Mr. Speaker pro tempore, is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. NEAL. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, more than 100 years ago, the first U.S. mutual fund was started in Boston. Mutual funds have been a way of life for “everyman” to invest in the market, with the benefits of addressing outdated provisions, such as, it invites the term “mutualization.”

Today, more than 50 million households invest through mutual funds with a median household income of $38,000. More than 50 percent of 401(k) plan assets were invested in mutual funds at the end of 2009.

H.R. 4337 was introduced last year by Mr. RANGEL and me to modernize the tax laws regarding regulated investment companies, better known as mutual funds. A technical explanation and revenue table for this bill may be found on the Joint Tax Web site, www.jct.gov.

The tax rules that relate to mutual funds date back more than a half century. Although these rules have been updated from time to time, it has been over 20 years since they were last revisited. The bill before us today would make several changes to the Tax Code to address outdated provisions, such as rules that relate to preferential dividends and rules that require mutual funds to send separate annual dividend designation notices to shareholders and rules that prevent mutual funds from earning income from commodities.

In June, my subcommittee, the Select Revenue Measures Subcommittee, reviewed this legislation with a panel of experts who expressed support for these changes.

Today, I am pleased to be joined by my friend, the gentleman from Michigan (Mr. CAMP), in bringing this bill to the floor with a few technical changes and revenue offsets from within the industry. The Ways and Means Committee has the responsibility to review our tax rules from time to time, remove the dead wood, and update where necessary. This bill accomplishes that to the benefit of investors, taxpayers, and mutual fund companies. I urge its adoption. I reserve the balance of my time.

Mr. CAMP. Madam Speaker, I yield myself such time as I may consume.

Mr. Speaker pro tempore, is there objection to the amendment to revise and extend his remarks?

Mr. CAMP. Madam Speaker, I ask unanimous consent that an amendment be agreed to, the text of which may be found on page H7069.
known in their most prevalent form as mutual funds, are intended to provide individual investors the ability to invest easily and with low costs in a diversified pool of professionally managed investments. According to the Investment Company Institute, ICI, the main organization for mutual funds, more than 50 million American families currently invest in mutual funds.

Most of the current law mutual fund rules were last collectively updated more than two decades ago. H.R. 4337 would modify and update certain technical tax rules pertaining to mutual funds in order to make them better conform to, and interact with, other aspects of the Tax Code and applicable securities laws.

On June 15, 2010, the Ways and Means Subcommittee on Select Revenue Measures held a hearing on H.R. 4337. Invited witnesses, including a representative of ICI, were supportive of the bill. I am not aware of any controversy or opposition to the legislation.

Let me close by making a broader point. It certainly is appropriate for Ways and Means to periodically review the current law to ensure that targeted provisions of importance to particular segments of the economy, including the mutual fund industry and their investors, are kept up to date; and I certainly appreciate the majority’s decision to hold a hearing on this bill before bringing it to the floor, because our committee works best when it works under regular order.

Having said that, I must say that I am deeply disappointed that our committee seems to have lost sight of its responsibility to address the single most significant tax issue facing Americans right now—preventing a massive $3.8 trillion tax increase at the end of this year. These looming tax hikes on families, seniors, investors, and small businesses not only threaten every American taxpayer with higher taxes, but they’re also contributing significantly to the uncertainty we see in the economy as a whole. So while we should continue to work together to modernize the tax rules governing mutual funds, we also should be working together to prevent harmful tax increases, such as the tax hikes on capital gains and dividends that will dramatically affect the very same mutual fund investors we’re focusing on here today.

With that, Madam Speaker, I urge support for the bill before us.

HON. NANCY PELOSI,
Re: ICI Strongly Supports Mutual Fund Modernization Legislation.
Hon. Nancy Pelosi,
Speaker, House of Representatives,
U.S. Capitol, Washington, DC.

Hon. John Boehner,
Republican Leader, House of Representatives,
U.S. Capitol, Washington, DC.

Dean Skelos and Republican Leader Boehner: The Investment Company Institute strongly supports the bipartisan

Regulated Investment Company (‘‘RIC’’) Modernization Act (H.R. 4337). On behalf of the millions of mutual fund shareholders who would benefit from this bill, we urge all House members to vote favorably on this bill when it is considered on the Suspension Calendar.

This bill would modernize the tax laws that govern mutual funds. Many of these laws have not been updated in any meaningful or comprehensive way since 1986, almost a quarter century ago; some of the provisions in current law date back more than 60 years. Numerous developments during the past 20-plus years—including the development of new fund structures and distribution channels—have placed changes on the existing tax rules for mutual funds.

The legislation’s many benefits were discussed in detail during the bill’s June 2010 hearing before the Committee on Ways and Means Select Revenue Measures Subcommittee. The three key areas in which the bill would benefit funds and their shareholders involve:

- Improving the efficiency of mutual fund investment structures.
- Reducing disproportionate tax consequences for inadvertent errors, and minimizing the need for amended tax statements and amended tax returns.
- Enacting this legislation will allow our members to focus on what they do best—serving their shareholders.

Mr. NEAL. Madam Speaker, I yield myself such time as I might consume. Madam Speaker, we held a hearing on this bill. It is well received by the investors; it is well received by the mutual fund companies, and it certainly received no negative commentary in the House. Why cannot we just come to this floor and speak to the issue at hand?

I worked hard on this piece of legislation with Mr. Tieri for a long period of time. This is the legislation that’s in front of this Congress at this particular time. It was well met because it was fully vetted in the committee with sufficient opportunity for any—and everyone—to comment on it.

This is a product that we should be proud of. For the first time in two decades, we are modernizing issues that relate to the industry, not millions, of Americans come to depend upon for retirement. I don’t understand why there would be any additional argument made on any other piece of legislation that was being considered when, in fact, this is the matter that’s before us at this particular time. I reserve the balance of my time.

Mr. CAMP. I have no further requests for time, and I yield back the balance of my time.

Mr. NEAL. Madam Speaker, I have no further requests for time, I urge adoption of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. NEAL) that the House suspend the rules and pass the bill, H.R. 4337, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ALGAE-BASED RENEWABLE FUEL PROMOTION ACT OF 2010

Mr. VAN HOLLEN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4168) to amend the Internal Revenue Code of 1986 to expand the definition of cellulosic biofuel to include algae-based biofuel for purposes of the cellulosic biofuel producer credit and the special allowance for cellulosic biofuel plant property, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4168

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ‘‘Algae-based Renewable Fuel Promotion Act of 2010’’. SEC. 2. ALGAE TREATED AS QUALIFIED FEEDSTOCK FOR PURPOSES OF THE CELLULOSIC BIOFUEL PRODUCER CREDIT, ETC.

(a) In general.—Subclause (I) of section 40(b)(6)(E)(i) of the Internal Revenue Code of 1986 is amended to read as follows:

‘‘(I) is derived solely from qualified feedstocks, and’’;

(b) Qualified Feedstock; Special Rules for Algae.—Paragraph (6) of section 40(b) of such Code is amended by redesignating subparagraphs (F), (G), and (H) as subparagraphs (I), (J), and (K), respectively, and by inserting after subparagraph (E) the following new subparagraphs:

‘‘(F) QUALIFIED FEEDSTOCK.—For purposes of this paragraph, the term ‘qualified feedstock’ means—

(i) any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis, and

(ii) any cultivated algae, cyanobacteria, or lema.

‘‘(G) Special Rules for Algae.—In the case of fuel which is derived from feedstock described in subparagraph (F)(i) and which is sold by the taxpayer to another person for refining by such other person into a fuel which meets the requirements of subparagraph (E)(i)(I)—

‘‘(i) such sale shall be treated as described in subparagraph (C)(i),

‘‘(ii) the credit shall be treated as meeting the requirements of subparagraph (E)(i)(II) in the hands of such taxpayer, and

‘‘(III) the tax credit provided by such subparagraph shall be treated as the tax credit provided by section 45C of chapter 1 of title 26 of the Internal Revenue Code of 1986, except that—

(1) the term ‘qualified feedstock’ means—

(A) any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis, and

(B) any cultivated algae, cyanobacteria, or lema.

(2) the term ‘cellulosic biofuel’ means—

(A) any fuel which is derived from feedstock described in subparagraph (F)(i) of subsection (b) of this section, and

(B) any fuel which meets the requirements of subparagraph (E)(i)(I) of subsection (b) of this section, except that—

(1) the credit provided by this subparagraph shall be treated as the tax credit provided by section 45C of chapter 1 of title 26 of the Internal Revenue Code of 1986, and

(2) the term ‘qualified feedstock’ means—

(A) any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis, and

(B) any cultivated algae, cyanobacteria, or lema.

(3) the terms ‘qualified carryover fuel’ and ‘qualified unused fuel’ shall be treated as the terms ‘cellulosic biofuel’ and ‘commercial scale ethanol’ in section 45C of chapter 1 of title 26 of the Internal Revenue Code of 1986, respectively.’’

Mr. NEAL. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CAMP. Mr. Chair, I have no further requests for time.
The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. VAN HOLLEN. Madam Speaker, Americans across the Nation are increasingly focused on the contributions that clean, homegrown fuels can make to our environment, economic development, and energy security. Additionally, I hear from many of my constituents that they believe Federal policy should move toward the development of biofuels that do not compete with food and otherwise operate on a feedstock and technology-neutral basis.

Today’s legislation advances those goals by including algae as a qualified feedstock under the existing cellulosic biofuel credit. It is forward-looking legislation that recognizes the rapidly evolving nature of the advanced biofuels industry and the demonstrated potential of biofuels made from algae.

With this legislation, we extend the new biofuel tax credit to algae-based fuel producers. Additionally, we recognize that algae-based fuel producers are designed to function on a drop-in basis, so you can pour green crude right into the pipeline or tanker truck coming out of the oil patch. This means we can replace imported oil with homegrown fuel without costly investments in new refining and transportation infrastructure.

My district of southern New Mexico is among the many areas across the country primed to become a center for algal biofuel development and creation. Our wide open spaces, ample sunlight, and brackish water make us the perfect place to produce our Nation’s next generation of biofuels. We already have algal biofuel facilities in Dona Ana County and Eddy County. Luna County will soon be home to another facility which will create 700 jobs when it breaks ground this fall. The potential, though, is so much greater. Algal biofuels are poised to power America with homegrown energy on a large scale.

However, algal biofuels face an uneven playing field within our Nation’s energy policy framework, most notably in our tax code. Under current law, algal biofuels do not qualify for tax incentives that currently benefit other biofuels, like cellulose biofuels.

When these tax laws were written, cellulose biofuels and biodiesel were the only renewable fuels on the lawmakers’ radar and capable of actually reducing America’s dependence on foreign oil. Since these laws were written, however, significant advances in the algae-based fuel industry have readied algae for prime time. Now, because algae has many advantages over cellulose feedstocks and is operating on a near-term commercialization timeline similar to cellulose fuels, algae-based fuel producers should receive tax incentives on par with those currently received by cellulose biofuel producers.

H.R. 4168, the Algae-based Renewable Fuel Promotion Act, simply gives algal biofuels tax parity with cellulose biofuels.
biofuels. The legislation contains a limitation on the products that will qualify for the tax incentives. They must be derived solely from qualifying feedstocks. Qualifying feedstocks include, in addition to cellulosic materials, algae, cyanobacteria, and lemons. Beyond that, the bill does not distinguish among these feedstocks with regard to the manner of cultivation, including nutrients or other inputs used to develop the feedstock and the biofuel. It is the intent of this provision that all these provisions using qualified feedstocks such as algae.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. VAN HOLLEN. Madam Speaker, I yield the gentleman another 2 minutes.

Mr. TEAGUE. Bottom line, tax parity will help algal biofuel producers attract needed capital to produce energy right here at home and create hundreds of thousands of jobs for new energy in New Mexico and across this great country.

Madam Speaker, when Americans go to the pump to fill up their tanks today, they are sending 70 cents of every dollar for energy they use in countries, many of which don’t like us very much, and are creating jobs in places like Saudi Arabia and Venezuela. I don’t want Americans to be creating jobs for the supporters of Hugo Chavez when they use energy. We should be creating energy jobs right here at home, employing American workers to produce the energy our economy and military needs.

Passing this bill today is a step toward a “Do It all, do it in America” energy policy. We can create American jobs and make our country more secure by producing our energy right here at home. This is a commonsense bipartisan bill that will create jobs and move America toward energy independence.

I would like to thank Chairman LEVIN, Ranking Member CAMP, and members of the Ways and Means Committee for their support.

Mr. CAMP. Madam Speaker, I yield myself such time as I may consume.

(Mr. CAMP asked and was given permission to revise and extend his remarks.)

Mr. CAMP. Madam Speaker, this bill seeks to expand the eligibility for certain current law tax benefits to algae-based fuels. Specifically, it would make algae or algae plant property eligible for both the cellulosic biofuel producer credit and for 50 percent bonus depreciation.

Regardless of whether Members believe these enhanced tax benefits for algae are appropriate, I think it’s important to make a few observations about this bill, about the process under which we are considering it, and about the majority’s decision to make this the centerpiece of its tax agenda during this, the final week of session. With respect to the bill itself, I would note that these same algae-related benefits, along with many other energy-related tax provisions, were included as a part of Chairman LEVIN’s much broader green jobs discussion draft which had been expected to be formally considered by the Ways and Means Committee as a package. It’s worth asking why only the algae-related provisions of that broader energy bill merit special consideration in stand-alone legislation, which is quite unusual for tax legislation. Indeed, while the bill languished without much as a committee markup.

If Ways and Means had actually held a mark-up on these algae-related provisions, Members could have fully explored whether it is advisable to expand the use of algae-related credits because of the efforts proved controversial over the past several years.

Indeed, Members of both parties supported efforts to close a major loophole in that credit that could have permitted support for an alternative fuel created as a byproduct of the paper-making process to qualify. Given such recent, high-profile alarm about potential abuse of the cellulosic biofuel producer credit, one would think that effort to further expand the credit would be pursued only after consideration and a formal Ways and Means Committee mark-up under regular order. I think we do the best work when we proceed under regular order. But, instead, these provisions have been rushed directly to the floor.

But what is most disturbing about the tax debate we are having here today is what we are not debating. Rather than using this last week of the regular session prior to the election to prevent a massive $3.8 trillion tax increase from taking effect at the end of the year, the majority’s tax agenda for this final week, instead centers on a bill that provides tax benefits for algae. And yet more proof: instead of protecting American families, seniors and investors and small businesses from a job-killing, $3.8 trillion tax hike, we are here debating tax benefits for algae.

Madam Speaker, governing is about setting priorities, and the majority’s tax agenda for the week shows just how out of line the majority’s priorities are with those of the American people.

Madam Speaker, I yield myself such time as I may consume to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. I thank the ranking member. I appreciate the fact of this bill being brought forward.

Madam Speaker, when we talk about the next generation, second or third generation biofuels, we all know, any reasonable person knows, that the mandates of adding renewable fuels in our fuel stream, the mandate that you cannot sell, let alone legal or legalize, is creating jobs in New Mexico unless it has a 10 or 8 percent by volume content of renewable fuels, that mandate never, ever meant to leave us with first generation renewable fuels. We all knew that first generation was a necessity, something we had to get through, something that was expensive, maybe not as environmentally friendly as we like, but a transition we hoped would come eventually.

Algae fuel has the capability of building that bridge to the future to lead the first generation renewables behind and move forward. The fact is that algae fuel is not only highly effective; algae fuel equals the fossil fuel one-to-one in energy capabilities.

The fact is that algae fuel, as it gets developed, is capable of not just driving our cars, but flying our airplanes, of actually replacing diesel. Algae fuel has the capability of being phased in, a huge benefit that does not exist with the first generation.
Algae fuel has the ability to consume and sequester massive amounts of CO$_2$, something that other fuels do not have the capability of doing along the line at the capability that they have here. And the drop-in capability and the capability is something we do not talk enough about. Algae fuels have been tested. We have had one aircraft that flew with algae fuel and not only was compatible, but was 4 percent more efficient than fossil fuels of comparable weight and volume.

And the fact is, Madam Speaker, that we have the ability now to even the playing field when it comes to taxes. Why should Washington continue to choose winners and have alternatives that should be allowed to win hamstrung and punished because they weren’t here with their lobbyists years ago when these laws were passed? This bill helps to correct the mistakes made in the past in our tax laws where Washington was choosing some to be more successful and cut out other people from participating in the system. We should allow winners to earn the right to be called winners and not be anointed by Washington or the legislators here in Washington. We should allow the technology and the products to compete on an open market, but equal tax benefits for everyone to be able to prove that America allows people to be innovative, to be creative, and we will not punish them just because they did not develop one technological road rather than the other.

Our Tax Code should be equal. It should be neutral, and it should be outcome-based, not profit-based and, most importantly, not Washington lobbying-based. This bill now equalizes that to some degree; and that degree, I think is appropriate at this time.

So it may not be doing everything we would like to do this week. It is not going to accomplish what I know we all know we need to accomplish. We cannot get accomplished before January 1 of 2011, but it does take a step in the right direction, helps to correct the mistake.

And yes, Congressman, I will go back to talk to Arnold Schwarzenegger and say, damn it, we have got to change the American people, can have access to credit and small businesses will get the tax relief they need. We look forward in this body to being able to move on to make sure that middle class taxpayers, 98 percent of the American people, can get tax relief without being held hostage to the demand of the Senate Republican leader that we also provide budget-cutting tax breaks to the folks at the very top, adding $700 billion to the deficit over the next 10 years, which is fiscally reckless and which, in the long term, will crimp economic and job growth.

And I yield back to Maryland, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. VAN HOLLEN) that the House suspend the rules and pass the bill, H.R. 4168, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

REduNdancy ELiminAtion AnD enHANCED perforMAnce FOR pRepaRedNeSS GrAnts ACRt

Mr. CUELLAR. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 3980) for identifying and eliminating redundant reporting requirements and developing meaningful performance metrics for homeland security preparedness grants, and for other purposes.

The Clerk read the title of the bill. The text of the Senate amendment is as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SEC. 1. SHORT TITLE. This Act may be cited as the "Redundancy Elimination and Enhanced Performance for Preparedness Grants Act".

SEC. 2. IDENTIFICATION OF REPORTING REDUNDANCIES AND DEVELOPMENT OF PERFORMANCE METRICS FOR HOMELAND SECURITY PREPAREDNESS GRANT PROGRAMS.

(a) IN GENERAL.—Title XX of the Homeland Security Act of 2002 (6 U.S.C. 601 et seq.) is amended by adding after section 2424:

"SEC. 2425. IDENTIFICATION OF REPORTING REDUNDANCIES AND DEVELOPMENT OF PERFORMANCE METRICS.

"(a) DEFINITION.—In this section, the term 'covered grants' means grants awarded under section 401, grants awarded under section 2004, and any other grants specified by the Administrator.

(b) INITIAL REPORT.—Not later than 90 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report that includes—

(1) an assessment of redundant reporting requirements imposed by the Administrator on State, local, and tribal governments in connection with the awarding of grants, including—

(A) a list of each item of data requested by the Administrator from grant recipients as part of the process of administering covered grants;

(B) identification of the items of data from the list described in subparagraph (A) that are required to be submitted by grant recipients on multiple occasions or to multiple systems; and

(C) a performance assessment of each reporting requirement imposed by the Administrator from grant recipients.

(c) Biennial Reports.—Not later than 2 years after the date on which the initial report is required to be submitted under subsection (b), and once every 2 years thereafter, the Administrator shall submit to the appropriate committees of Congress a grants management report that includes—

(1) the status of efforts to eliminate redundant and unnecessary reporting requirements imposed on grant recipients, including—

(A) progress made in implementing the plan required under subsection (b)(2); and

(B) progress made in developing and implementing additional performance metrics and report requirements for grants, including as part of the comprehensive assessment system required under section 649 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 749); and

(2) the status of efforts to develop quantifiably useful performance measures and metrics to assess the effectiveness of the programs under which covered grants are awarded, including—

(A) progress made in implementing the plan required under subsection (b)(3); and

(B) progress made in developing and implementing additional performance metrics and report requirements for grants, including as part of the comprehensive assessment system required under section 649 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 749).
"(A) a description of the objectives and goals of the program;

"(B) an assessment of the extent to which the objectives and goals described in subparagraph (A) have been met, based on the quantifiable performance measures and metrics required under this section, section 202(a)(4), and section 649 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 749);

"(C) recommendations for any program modifications to improve the effectiveness of the program, to address changed or emerging conditions; and

"(D) an assessment of the experience of recipients of covered grants, including the availability of clear accountability, the process of reviews and awards, and the provision of technical assistance, and recommendations for improving that experience.

"(d) GRANTS PROGRAM MEASUREMENT STUDY.—

"(1) IN GENERAL.—Not later than 30 days after the enactment of Redundancy Elimination and Enhanced Performance for Preparedness Grants Act, the Administrator shall enter into a contract with the National Academy of Public Administration under which the National Academy of Public Administration shall assist the Administrator in studying, developing, and implementing—

"(A) quantifiable performance measures and metrics to assess the effectiveness of grants administered by the Department, as required under this section and section 649 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 749); and

"(B) the plan required under subsection (b)(3).

"(2) REPORT.—Not later than 1 year after the date on which the contract described in paragraph (1) is awarded, the Administrator shall submit to the appropriate committees of Congress a report that describes the findings and recommendations of the study conducted under paragraph (1).

"(3) AUTHORIZATION OF APPROPRIATIONS.—

"(A) There are authorized to be appropriated to the Administrator such sums as may be necessary to carry out this subsection.

"(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following:


The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. CUELLAR) and the gentleman from Georgia (Mr. BROUN) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CUELLAR. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CUELLAR. I rise in support of the motion to concur in the Senate amendment to H.R. 3980, and I yield myself such time as I may consume.

Madam Speaker, I introduced H.R. 3980, the Redundancy Elimination for Preparedness Grants Act, because I believe that we need greater accountability for the $4 billion in grant funding provided annually by the Federal Emergency Management Agency.

I want to thank Chairman THOMPSON and Ranking Member KING of the committee, as well as Congresswoman RICHARDSON and Congressmen Rogers from Alabama, the chairman and the ranking member of the Subcommittee on Emergency Communications, Preparedness, and Response, as well as my good friend, Senator JOE Lieberman, for supporting this bill, which will improve FEMA’s ability to provide accountability.

Mr. Speaker, when I began my career in the Congress, I told my constituents I would use my time to focus on homeland security—how we can help address the issue of grant recipients and their performance.

This bill plus the amendment simply calls for greater accountability that we are able to measure and that we are able to see that we have results.

So I ask my colleagues to support this Senate amendment to H.R. 3980 and pass this bill.

I yield the balance of my time.

Mr. BROUN of Georgia. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong support of H.R. 3980 as amended by the Senate. This bill was passed by the House on December 2, 2009, by a vote of 414-0. On September 22, 2010, the bill passed the Senate, with an amendment, by unanimous consent.

H.R. 3980 requires the Federal Emergency Management Agency, FEMA, to identify and eliminate any redundant requirements that place an undue burden on State and local governments to receive grant funds under the State Homeland Security Grant Program, the Urban Area Security Initiative, and other programs as determined by the FEMA administrator. This bill will help address the issue of grant recipients having to report similar information under numerous grant programs.

In addition, H.R. 3980 builds on the requirements in the Post-Katrina Emergency Management Reform Act of 2006 and the 9/11 Act of 2007 by requiring FEMA to develop and implement performance measures for these vital programs and to report to Congress every 2 years on the status of these efforts.

The Post-Katrina Reform Act and the 9/11 Act both required FEMA to develop metrics to identify and close gaps in preparedness. Unfortunately, several years later, FEMA continues to struggle with integrating these requirements to produce meaningful results.

This bill also calls on FEMA to conduct an overall assessment of the State Homeland Security Grant Program, the Urban Area Security Initiatives, and other grants specified by the administrator.

Together, these requirements will help ensure that Congress is kept in-formed of FEMA’s progress in effectively administering these grants and addressing any deficiencies that may exist.

I urge my colleagues to support this bill, and I congratulate my good friend and colleague from Texas for the bill.

I yield the balance of my time.

Mr. CUELLAR. Mr. Speaker, I yield myself such time as I may consume.

This Senate amendment is an amendment that just adds accountability to the grant dollars, and I think it is important, just as the gentleman from Georgia. And I certainly want to thank my friend from Georgia, because we understand, just as Mr. ROGERS, also, that we have got to make sure that we provide accountability. We are talking about $4 billion a year. We just have got to have accountability.

I urge all my colleagues to support this measure.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in strong support of the Senate Amendment to H.R. 3980, the Redundancy Elimination and Enhanced Performance for Preparedness Grants Act.

I would like to thank Representative CUELLAR for introducing this legislation and my colleagues on the Committee on Homeland Security for helping to make this a truly bi-partisan effort.

For years, FEMA has struggled to establish a system for determining the effectiveness of the billions of dollars it gives to State, local, and tribal governments to help them prepare for natural disasters, acts of terrorism and other man-made disasters.

Such a system is essential to ensure that the taxpayers’ money is being used wisely and effectively.

The Senate Amendment to H.R. 3980 would address this problem by requiring the FEMA Administrator to submit a plan to Congress for developing performance measures for its preparedness grants and streamlining the grant process by eliminating duplicative reporting requirements for grant recipients.

In October of 2009, the House Committee on Homeland Security’s Subcommittee on Emergency Communications, Preparedness, and Response, then chaired by Mr. CUELLAR of Texas, held an oversight hearing into whether FEMA had a plan in place for performance measures for the approximately $29 billion in homeland security grants it had provided the nation.

At that hearing, it became evident that FEMA had not yet developed an effective system for measuring the effectiveness of its grants and that in administering them, it unnecessarily burdened State, local, and tribal governments by requiring grant recipients to submit duplicative information.

On November 2, 2009, Mr. CUELLAR translated the Committee’s oversight findings into legislation—H.R. 3980.

Under this bill, FEMA is required to work with State, local, tribal, and territorial stakeholders to develop a plan to:

Streamline homeland security grant reporting requirements, rules and regulations to eliminate redundant reporting;

Develop a strategy that includes a set timeline to provide much needed performance metrics for grant programs and ensure that the funds are going to the areas where they will be the most beneficial; and...
REQUIRE AN INVENTORY OF EACH HOMELAND SECURITY GRANT PROGRAM THAT INTEGRATES THE PURPOSES, OBJECTIVES AND PERFORMANCE GOALS OF EACH PROGRAM.

THE REDUNDANCY ELIMINATION AND ENHANCED PERFORMANCE FOR PREPAREDNESS GRANTS ACT WOULD REQUIRE FEMA TO PROVIDE THE COMMITTEE ON HOMELAND SECURITY WITH THE PLAN REQUIRED BY THE BILL NOT LATER THAN 90 DAYS AFTER ENACTMENT OF THE BILL.

THIS BILL WOULD ALSO REQUIRE BiANNUAL UPDATES TO MAINTAIN A CAREFUL AND WATCHFUL EYE ON REDUNDANCIES AND TO IDENTIFY THOSE THAT MIGHT HAMPER OR CONFUSE GRANT RECIPIENTS.


THE SENATE IMPROVED UPON THE HOUSE-PASSED BILL BY REQUIRING FEMA TO TASK THE NATIONAL ACADEMY OF PUBLIC ADMINISTRATION, NAPA, TO STUDY, DEVELOP AND RECOMMEND PERFORMANCE MEASURES FOR GRANTS THE DEPARTMENT OF HOMELAND SECURITY ADMINISTERS.

AS YOU KNOW, MR. SPEAKER, NAPA IS A CONGRESSIONALLY-CHARTERED NONPROFIT ORGANIZATION THAT HAS EXTENSIVE EXPERIENCE WORKING ON PERFORMANCE MEASUREMENT AND THEY WILL PROVIDE VALUABLE EXPERTISE TO FEMA.

MR. SPEAKER, THIS BILL WILL ENSURE THAT FEMA TAKES STEPS TO DETERMINE THE NATION'S OVERALL PREPAREDNESS AND HOW HOMELAND SECURITY GRANTS HAVE BUILT THE NECESSARY CAPABILITIES TO PREPARE FOR, PROTECT AGAINST, AND RESPOND TO AN ACT OF TERRORISM AND OTHER THREATS.

I URGE ALL MY COLLEAGUES TO SUPPORT THE SENATE AMENDMENT TO H.R. 3980.

MR. CUELLAR. I YIELD BACK THE BALANCE OF MY TIME.


THE QUESTION WAS TAKEN; AND (TWO-THIRDS BEING IN THE AFFIRMATIVE) THE RULES WERE SUSPENDED AND THE SENATE AMENDMENT WAS CONCURRED IN.

A MOTION TO RECONSIDER WAS LAID AWAY ON THE TABLE.

REDUCING OVER-CLASSIFICATION ACT

MS. HARMAN. MR. SPEAKER, I MOVE TO SUSPEND THE RULES AND CONCER IN THE SENATE AMENDMENT TO THE BILL (H.R. 555) TO REQUIRE THE SECRETARY OF HOMELAND SECURITY TO DEVELOP A STRATEGY TO PREVENT THE OVER-CLASSIFICATION OF HOMELAND SECURITY AND OTHER INFORMATION AND TO PROMOTE THE SHARING OF UNCLASSIFIED HOMELAND SECURITY AND OTHER INFORMATION, AND FOR OTHER PURPOSES.

THE CLERK READ THE TITLE OF THE BILL.

THE TEXT OF THE SENATE AMENDMENT IS AS FOLLOWS:

SEC. 1. SHORT TITLE.

This Act may be cited as the “Reducing Over-Classification Act”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The National Commission on Terrorist Attacks upon the United States (commonly known as the “9/11 Commission”) concluded that security requirements nurture over-classification and excessive compartmentation of information among agencies.

(2) The 9/11 Commission and others have observed that the over-classification of information interferes with accurate, actionable, and timely information sharing, increases the cost of miscommunications, limits stakeholder and public access to information.

(3) Over-classification of information causes considerable confusion regarding what information may be shared with whom, and negatively affects the dissemination of information within the Federal Government and with State, local, and tribal entities, and with the private sector.

(4) Over-classification of information is antithetical to the creation and operation of the information sharing environment established under section 1026 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485).

(5) Federal departments or agencies authorized to make original classification decisions or that perform derivative classification of information are responsible for developing, implementing, and administering policies, procedures, and programs that promote compliance with applicable laws, executive orders, and other authorities pertaining to the proper use of classification markings and the policies of the National Archives and Records Administration.

SEC. 3. DEFINITIONS.

In this Act:

(1) DERIVATIVE CLASSIFICATION AND ORGinal CLASSIFICATION.—The terms “derivative classification” and “original classification” have the meanings given those terms in Executive Order No. 13526.

(2) EXECUTIVE AGENCY.—The term “Executive agency” has the meaning in section 105 of title 5, United States Code.

(3) EXECUTIVE ORDER NO. 13526.—The term “Executive Order No. 13526” means Executive Order No. 13526 (75 Fed. Reg. 707, relating to national security information) or any subsequent corresponding executive order.

SEC. 4. CLASSIFIED INFORMATION ADVISORY OFFICER.

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is amended by adding at the end the following:

“Sec. 210F. Classified Information Advisory Officer.

(1) REQUIREMENT TO ESTABLISH.—The Secretary shall designate within the Department a Classified Information Advisory Officer, as described in this section.

(b) RESPONSIBILITIES.—The responsibilities of the Classified Information Advisory Officer shall be as follows:

(1) To develop and disseminate educational materials and to develop and administer training programs to assist States, local, and tribal governments (including State, local, and tribal law enforcement agencies) and private sector entities—

(a) in developing plans and policies to respond to requests related to classified information without communicating such information to individuals who lack appropriate security clearances.

(b) regarding the appropriate procedures for challenging classification designations of information received by personnel of such entities; and

(c) on the means by which such personnel may apply for security clearances.

(2) To inform the Under Secretary for Intelligence and Analysis on policies and procedures that could facilitate the sharing of classified information with such personnel, as appropriate.

(c) INITIAL DESIGNATION.—Not later than 90 days after the date of the enactment of the Reducing Over-Classification Act, the Secretary shall—

(1) designate the initial Classified Information Advisory Officer; and

(2) submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a written notification of the designation.

(b) CLERICIAL AMENDMENT.—The table of contents at the end of section 102(a) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 210A the following:

“Sec. 210F. Classified Information Advisory Officer.”

SEC. 5. INTELLIGENCE INFORMATION SHARING.

(a) DEVELOPMENT OF GUIDANCE FOR INTELLIGENCE PRODUCTS.—Chapter 1 (section 102(a)) of title 10, United States Code (which relates to the reduction of over-classification in intelligence products) is amended—

(1) in subparagraph (E), by striking “and” at the end;

(2) in subparagraph (F), by striking the period at the end and inserting a semicolon and “and”;

and

(3) by adding at the end the following:

“(G) in accordance with Executive Order No. 13526 (75 Fed. Reg. 707; relating to classified national security information) or any subsequent corresponding executive order, and part 2001 of title 32, Code of Federal Regulations (or any subsequent corresponding regulation), establish—

(1) guidance to standardize, in appropriate cases, the formats for classified and unclassified intelligence products created by elements of the intelligence community for purposes of promoting the sharing of intelligence products; and

(2) policies and procedures requiring the increased use, in appropriate cases, and including portfolio markings, of the classification of portions of information within one intelligence product.”;

(b) CREATION OF UNCLASSIFIED INTELLIGENCE PRODUCTS AS APPROPRIATE FOR STATE, LOCAL, TRIBAL, AND PRIVATE SECTOR STAKEHOLDERS.—

(1) RESPONSIBILITIES OF SECRETARY RELATING TO INTELLIGENCE AND ANALYSIS AND INFRASTRUCTURE PROTECTION.—Paragraph (3) of section 201(d) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)) is amended to read as follows:

“(3) To integrate relevant information, analysis, and vulnerability assessments (regardless of whether such information, analysis or assessments are provided by or produced by the Department) in order to—

(A) identify priorities for protective and support measures regarding terrorist and other threats to homeland security by the Department, other agencies of the Federal Government, State, and local government agencies and authorities, the private sector, and other entities; and

(B) prepare finished intelligence and information products in both classified and unclassified formats, as appropriate, whenever reasonably expected to be of benefit to a State, local, or tribal government (including a State, local, or tribal law enforcement agency) or a private sector entity.”;

(2) ITAG CONCERN.—Paragraph 210(d) of the Homeland Security Act of 2002 (6 U.S.C. 124b(d)) is amended by inserting at the end:

“(2) The Committee on Homeland Security of the Senate and the Committee on Homeland Security of the House of Representatives shall—

(1) designate the initial Classified Information Advisory Officer; and

(2) submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a written notification of the designation.”;

Sec. 210F, Classified Information Advisory Officer.™

H7075
(C) in paragraph (7), by striking the period at the end and inserting a semicolon and “and”; and

(D) by adding at the end the following:

“(E) the Director of the Information Security Oversight Office.

SEC. 7. CLASSIFICATION TRAINING PROGRAM.

(a) IN GENERAL.—The head of each Executive agency, in accordance with Executive Order 15526, shall require annual training for each employee who has original classification authority. For employees who perform derivative classification, or who are responsible for dissemination, preparation, production, receipt, publication, or otherwise communication of classified information, training shall be provided at least every two years. Such training shall—

(1) educate the employee, as appropriate, regarding—

(A) the guidance established under subparagraph (G) of section 102A(g)(1) of the National Security Act of 1947 (50 U.S.C. 403-1p(1)), as added by section 5(a)(3), regarding the formatting of finished intelligence products;

(B) the proper use of classification markings, including portion markings that indicate the classification of portions of information; and

(C) any incentives and penalties related to the proper classification of intelligence information; and

(2) ensure such training is a prerequisite, once completed successfully, as evidenced by an appropriate certificate or other record, for—

(A) obtaining original classification authority or derivative classification authority; and

(B) maintaining such authority.

(b) RELATIONSHIP TO OTHER PROGRAMS.—The head of each Executive agency shall ensure that the annual training required under subsection (a) is conducted efficiently and in conjunction with any other required security, intelligence, or other training programs to reduce costs and administratively burdens associated with carrying out the training required by subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Ms. HARMAN) and the gentleman from Georgia (Mr. BROWN) each will control 15 minutes.

The Chair recognizes the gentlewoman from California.

GENRAL LEAVE

Ms. HARMAN. Mr. Speaker, I ask unanimous consent that all Members may have 15 legislative days in which to revise and extend their remarks and insert extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. HARMAN. Mr. Speaker, I rise in support of the motion to concur with the Senate amendment to H.R. 553, and I yield myself such time as I may consume.

For those who think nothing can happen in this very polarized year and toxic political environment, listen up. Congress is about to pass and send to the President H.R. 553, the Reducing Overclassification Act.

It has taken 3 long years to get to this point. After scores of hearings, the bill passed the House twice. The bill was amended by the Senate and finally passed that body yesterday.

H.R. 553 curbs overclassification, the practice of stamping intelligence “secret” for the wrong reason—an action to protect turf or avoid embarrassment. Overclassification prevents the sharing of accurate, actionable, and timely information horizontally across the government and vertically with State and local law enforcement. This is a problem now rampant throughout the intelligence community and one identified by the 9/11 Commission as a major obstacle in preventing future terror attacks.

To change the culture from “need to know” to “need to share,” H.R. 553: Creates a Classified Information Advisory Officer to help State and local law enforcement and the private sector access intelligence and information about terror threats to their own communities.

It requires training and incentives to assure materials are classified for the right reason—to share the right information with the right people in a timely and shared manner.

The bill requires “portion marking” so it is easy to separate classified and nonclassified parts of a document and standardizes procedures so that information can be more easily shared.

H.R. 553 also requires inspectors general of departments which classify information to issue reports and share them with any congressional committees which seek them.

Finally, it builds on the President’s executive order released last month and is widely supported by open government and law enforcement groups.

In conclusion, this bill will help first responders know what to look for and what to do. They, not any of us in Congress or an analyst sitting at a desk, will likely be the ones to uncover and foil the next terror plot.

My thanks to Chairman THOMPSON and Ranking Member KING and to Senators LIEBERMAN and COLLINS, who cleared the way for this bill, the House and in the Senate. Also thanks to the hardworking staffs of the Senate and House Homeland Security Committees: Christian Beckner, Brandon Milhorn, Vance Serchuk and Rosalie Cohen, and many others.

I urge prompt passage of this critical legislation, and hope our President will sign it into law as soon as possible.
I reserve the balance of my time.

Mr. BROUN of Georgia. Mr. Speaker, I rise in support of the bill, and I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 553, as amended by the Senate. This bill was agreed to by voice vote in the House on February 3, 2009, and on September 27, 2010, the bill passed the Senate with an amendment by unanimous consent.

The 9/11 Commission concluded that security requirements nurtured over-classification and excessive compartmentalization of information among government agencies. This stovepiping, so-to-speak, interferes with accountability, and timely information sharing, not only among Federal agencies, but also with State and local law enforcement.

H.R. 553 focuses on reducing the over-classification of information at the Department of Homeland Security (DHS) and enhances understanding of the classification system by State, local, tribal, and private-sector partners.

The bill directs the Secretary of Homeland Security, DHS, operating through the Under Secretary for Intelligence and Analysis, to identify and designate a classified information advisory officer. The advisory officer will assist State, local, tribal, and private-sector partners who have responsibility for the security of critical infrastructure in matters related to classified materials. Additionally, the office is charged with developing educational materials and training programs to assist agencies in developing policies to respond to requests related to classified information.

The bill also requires the head of each Federal department or agency with classification authority to share educational products with interagency threat assessment and coordination groups and allows them in turn to recommend to the DHS Under Secretary for Intelligence and Analysis to disseminate that product to the appropriate State, local, tribal, or private-sector authorities.

The bill also requires the Department of Homeland Security to establish a classified information advisory officer to ensure that there is a point of contact for classified information that could likely benefit first responders.

Ms. HARMAN has brought forth this piece of legislation that is going to help simplify the process and help our Federal Government to share information with the State, local, and tribal entities, as well as the private sector, so that they can have this information that they desperately need to be able to ensure security.

As an original-intent Constitutionalist, I believe that the major function of the Government should be national security, national defense.

We in Congress I think have overlooked that duty in many regards. I applaud Ms. HARMAN, Mr. Speaker, for her diligence in the area of intelligence and national security, and I greatly applaud her for this much-needed bill.

Mr. Speaker, I have no further speakers, so I yield back the balance of my time.

Ms. HARMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, police, firefighters and other first responders bravely put their lives on the line to protect us. They have proven their ability to unravel plots inside the U.S., like the Torrance, California, police department, which discovered a plot to attack military installations and religious sites in my district.

It is imperative that we give first responders and the public access to the information they need to find those among us who would seek to harm us. H.R. 553 ensures that. I urge its prompt passage, and I do hope that the President will sign it into law.

Mr. THOMPSON of Mississippi. Mr. Speaker, over-classification of homeland security information is a major barrier to Federal efforts to foster greater information sharing within the Federal Government as well as with State, local, and tribal entities, and the private sector.

H.R. 553, the Reducing Over-Classification Act, introduced by Congresswoman JANE HARMAN, tackles this practice in a comprehensive fashion. To that end, H.R. 553 establishes a Classified Information Advisory Officer within DHS’s Office of Intelligence and Analysis to develop and disseminate educational materials for State, local, and tribal authorities and the private sector on how to challenge classification designations and, at the same time, assist with the security clearance process.

This bill also tackles the practice of over-classification within the larger Intelligence Community (IC) by directing the Director of National Intelligence to take new, proactive steps to promote appropriate access of information by Federal, State, local, and tribal government with a need to know; issue guidance to standardize, in appropriate cases, the formats for classified and unclassified products; establish policies and procedures requiring the increased use of so-called “tear lines” portion markings in intelligence products to foster broader distribution to State, local, and tribal law enforcement, other national security partners who have responsibility to access such information, and require annual training for each IC employee with the authority to classify material.

I am pleased that H.R. 553 also directs originators of intelligence products to share information that could likely benefit first responders and the DHS’s in-house team of first responder analysts—the “ITACG” or “Interagency Threat Assessment and Coordination Group.” The ITACG analysts have the boots-on-the-ground perspective on what information lends itself to cops on the beat. Through this new process, we will have a new mechanism to tackle the stovepiping of information within the IC that we know cops need to keep their communities secure.

Reducing the amount of unnecessary classification and increasing the amount of information shared throughout the public and private sectors will contribute to improving or ability to detect, deter, and prevent terrorist plots.

Nine years after the attacks of September 11th, we must stand together and reject—once and for all—the practice of over-classification, an outgrowth of the outdated “need to know” paradigm.

Finally, I would like to applaud the Chairwoman of my Committee’s Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment Subcommittee—Representative HARMAN. She has worked on this problem for many years and is a true champion for all the “first preventers” out there that have been kept from accessing intelligence information that they need to protect the public and should be commended for her steadfast efforts on this government-wide challenge.

I urge my colleagues to support this important homeland security bill so that we get it to the President’s desk for his signature.

Ms. HARMAN. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. HARMAN) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 553.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

CHRISTOPHER BRYSKI STUDENT LOAN PROTECTION ACT

Mr. ADLER of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5498) to amend the Truth in Lending Act and the Higher Education Act of 1965 to require additional disclosures and protections for students and cosigners with respect to student loans, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:
It is hereby enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE. — This Act may be cited as the “Christopher Bryski Student Loan Protection Act” and “Christopher’s Law”.

(b) DEFINITIONS. — The Congress finds the following:

(1) There is no requirement for Federal or private educational lenders to provide information with respect to creating a durable power of attorney for financial decisionmaking in accordance with State law to be used in the event of the death, incapacitation, or disability of the borrower or cosigner (if any).

(2) No requirement exists for private educational lenders’ master promissory notes to include a clear and conspicuous description of the responsibilities of a borrower and cosigner in the event the borrower or cosigner becomes disabled, incapacitated, or dies.

(3) Of the 1,400,000 people who sustained a traumatic brain injury each year in the United States, 50,000 die; 235,000 are hospitalized; and 1,100,000 are treated and released from an emergency department.

(4) The annual incidence of spinal cord injury, not including those who die at the scene of an accident, is approximately 40 per 100,000 people in the United States or approximately 12,000 new cases each year. Since there have not been any overall incidence studies of spinal cord injuries in the United States since the 1970s, it is not known if incidence has changed in recent years.

(5) In the 2007–2008 academic year, 13 percent of students attending a 4-year public school, and 26.2 percent of students attending a 4-year private school, borrowed money from private educational lenders.

(6) According to Sallie Mae, in 2009, the number of cosigned private education loans increased from 66 percent to 84 percent of all private education loans.

SEC. 2. ADDITIONAL STUDENT LOAN PROTECTIONS.

(a) In General.—Section 140 of the Truth in Lending Act (15 U.S.C. 1607) is amended by adding at the end the following new sections: —

“(f) ADDITIONAL PROTECTIONS RELATING TO DEATH OR DISABILITY OF BORROWER OR CO-SIGNER;—

“(1) OBLIGATION TO DISCUSS DURABLE POWER OF ATTORNEY.—In conjunction with—

“(A) any student loan counseling, if any, provided by a covered educational institution to any new borrower and cosigner (if any) at the time of any loan application, loan origination, or loan consolidation, or at the time the cosigner assumes responsibility for repayment, the institution shall provide information with respect to creating a durable power of attorney for financial decisionmaking in accordance with State law; and

“(B) any application for a private education loan, the private educational lender involved in such loan shall provide information to any new borrower and cosigner (if any) concerning the creation of a durable power of attorney for financial decisionmaking, in accordance with State law, with respect to such loan;

“(2) CLEAR AND CONSPICUOUS DESCRIPTION OF COSIGNER’S OBLIGATION.—In the case of any private educational lender which extends a private education loan made through a private educational lender, the borrower, the borrower’s estate, and any cosigner of such a private education loan may be obligated to repay the amount of the loan, regardless of the death or disability of the borrower or any other condition described in section 437(a).

“(M) The model form for the State in which the applicant resides with respect to durable power of attorneys published by the Board of Governors of the Federal Reserve System in accordance with subsection (a) of section 485 of the Federal Reserve Act (15 U.S.C. 1601) and, in the case of a borrower who is not a resident of the State in which the institution is located, information on how to access such model form for the State in which the borrower is a resident.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. ADLER) and the gentleman from Alabama (Mr. BACHUS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. ADLER of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. ADLER of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker. I rise today to support the passage of H.R. 5458.

Like all of my colleagues, I receive thousands of pieces of mail each week. When a letter from my constituent Christopher Bryski fell across my desk, I knew I had to act.

Ryan’s brother Christopher, for whom this bill is named, was a young man attending Rutgers University when he suffered a traumatic brain injury in 2006. Christopher was a student in New Jersey.

Mr. Speaker, I rise today to support the passage of H.R. 5458.

Like all of my colleagues, I receive thousands of pieces of mail each week. When a letter from my constituent Christopher Bryski fell across my desk, I knew I had to act.

Mr. ADLER of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker. I rise today to support the passage of H.R. 5458.

Like all of my colleagues, I receive thousands of pieces of mail each week. When a letter from my constituent Christopher Bryski fell across my desk, I knew I had to act.

Mr. ADLER of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker. I rise today to support the passage of H.R. 5458.
as well as pay the bills and fulfill all his contracts. The Bryskis spent countless time and money regaining custody of their son so that they could prevent him from defaulting on other bills in case he should recover.

They were not only being responsible parents, but responsible Americans.

The Bryskis also endured a personal interview of Christopher so that the court could be sure Christopher was unable to make decisions on his behalf. Literally, someone from the court came to Christopher’s hospital room and yelled in his face to ensure that he would not respond and that he was indeed in a vegetative state.

As a father of four boys, two of whom are in college, I cannot imagine going through what the Bryskis went through. This is why I introduced H.R. 5458, the Christopher Bryski Student Loan Protection Act, or Christopher’s Law. This bill would help prevent other families from going through what the Bryskis did by ensuring that private educational lenders clearly describe the obligations of borrowers and co-signers up front with the death or disability of the student. What the banks call “an inability to pay.” The rest of us would call it a family tragedy.

Christopher’s Law will also urge the Federal Reserve Board to adopt and interpret definitions of death and disability as the Department of Education, which has used these definitions for many, many years. This bill does not require that private loans be discharged in case of death or disability. It simply requires private educational lenders to define death and disability so borrowers and their co-signers can refer to these definitions should a catastrophe happen to their family. It also states that private education lenders as well as the Federal Government must provide information on creating a durable power of attorney to handle the borrower’s financial affairs should the borrower be unable to make those decisions on their own.

Since I introduced this legislation, I have been approached by many other families in my district with similar problems as the Bryskis encountered. I believe this is common sense, bipartisan, and deserves the support of the entire body.

I would like to thank Chairman BACHUS and Ranking Member KLINE, Chairman FRANK and Ranking Member BACHUS, for bringing this important legislation to the floor and, frankly, minority staff, for improving this legislation with amendments just in the last few days. It is the way we’re supposed to be doing business for the people of our great country. I urge its passage.

I reserve the balance of my time.

Mr. BACHUS. Mr. Speaker, I rise to address this legislation, and I yield myself such time as I may consume.

H.R. 5458 requires private education loan lenders to provide disclosures to students about the benefits of creating a durable power of attorney. For most traditional students, a student loan is the first large financial decision he or she will be making. As such, a student and the cosigner of the loan—often a parent, as well as the Bryskis—should be aware of their repayment responsibilities, including those responsibilities if the student should become unable to make payments. And so disclosures, I think, are absolutely crucial.

In addition to existing disclosures for loans, this bill requires private education loan lenders to provide additional information to students and co-signers about the benefits of durable powers of attorney for financial decision-making. A college’s financial aid administrator would also be required to provide information to students and their cosigners about creating a durable power of attorney.

I do have some concerns not addressed to this bill itself but that the Federal Government is nearing the point of requiring so many disclosures that they may overwhelm the consumer. I also fear that the requirement that the Federal Government create 50 different forms based on various State laws surrounding durable powers of attorney will be especially burdensome to the Board. But that’s a minor concern.

While a better solution long term would be to provide two simple disclosures that ensure that the cosigners and the students understand the responsibilities of loan repayment and are provided a place to do their own research about durable powers of attorney, this may be the first time that an individual may have a need for this sort of legal document, and these additional disclosures could help better inform the borrowers and cosigners. So for that reason I do not rise in opposition to this legislation.

I want to extend my prayers and thoughts to the Bryski family and other families who experience such a tragedy as this. I thank the gentleman from New Jersey for his kind words.

I yield back the balance of my time.

Mr. ADLER of New Jersey. I thank the gentleman from New Jersey for his kind words.

I am glad he mentioned the Bryski family. Ryan Bryski, the brother of Christopher, is in the gallery. I thank him and his family for sharing what they went through so we can avoid other families going through what they went through. I join Mr. BACHUS in having Christopher and other families similarly situated in our prayers. But, Ryan, I thank you personally for your guidance in this.

I think this is a wonderful example of people trying to work together to solve a people problem. I share some of Mr. BACHUS’ concerns that maybe we have too many disclosures at too much time to time. I would be eager to work with the Member to try to work that out going forward and streamline the process.

But I think this is simple legislation that is appropriate to meet a need that comes up every so often with tragic circumstances beyond the actual injury, disability, and death of young people.

I urge a strong and immediate passage of this bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds Members that it is inappropriate to recognize occupants of the gallery.

Mr. ADLER of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. ADLER) that the House suspend the rules and pass the bill, H.R. 5458, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MEDICAL DEBT RELIEF ACT OF 2010

Ms. KILROY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3421) to exclude from consumer credit reports medical debt that has been in collection and has been fully paid or settled, and for other purposes, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.

This Act may be cited as the “Medical Debt Relief Act of 2010.”

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) Medical debt is unique, and Americans do not choose when accidents happen or when illness strikes.

(2) Medical debt collection issues affect both insured and uninsured consumers.

(3) According to credit evaluators, medical debt collections are more likely to be in dispute, inconsistently reported, and of questionable value in predicting future payment performance because it is atypical and nonpredictive.

(4) Nevertheless, medical debt that has been fully paid or settled can significantly damage a consumer’s credit score for years.

(5) As a result, consumers can be denied credit or pay higher interest rates when buying a home or obtaining a credit card.

(6) Healthcare providers are increasingly turning to outside collection agencies to help secure payment from patients and this comes at the expense of the consumer because medical debts are not typically reported unless they become assigned to collection agencies.

(7) In fact, medical bills account for more than half of all non-credit related collection actions reported to consumer credit reporting agencies.

(8) The issue of medical debt affects millions.
(9) According to the Commonwealth Fund, medical bill problems or accrued medical debt affects roughly 72,000,000 working-age adults in America.

(10) For 2007, 28,000,000 working-age American adults were contacted by a collection agency for unpaid medical bills.

(b) Purpose.—It is the purpose of this Act to extend the following new paragraph:

"(7) Any information related to a fully paid or settled medical debt that had been characterized as delinquent, charged off, or debt in collection for credit reporting purposes and has been fully paid or settled.

SEC. 3. AMENDMENTS TO FAIR CREDIT REPORTING ACT.

(a) MEDICAL DEBT DEFINED.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a(a)) is amended by adding at the end the following new paragraph:

"(7) Any information related to a fully paid or settled medical debt that had been characterized as delinquent, charged off, or debt in collection for credit reporting purposes and has been fully paid or settled.

(b) EXCLUSION FOR PAID OR SETTLED MEDICAL DEBT.—Section 608(a) of the Fair Credit Reporting Act (15 U.S.C. 1681c(a)) is amended by adding at the end the following new paragraph:

"(7) Any information related to a fully paid or settled medical debt that had been characterized as delinquent, charged off, or debt in collection for credit reporting purposes and has been fully paid or settled.

SEC. 4. PAYGO BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go (PAYGO) procedures of section 251 of the Budgetary Enforcement Act of 1990 (31 U.S.C. 1312(c)), shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Ohio (Ms. KILROY) and the gentleman from Alabama (Mr. BACHUS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Ohio.

Ms. KILROY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. KILROY. Mr. Speaker, I yield myself such time as I may consume.

I thank the chair of the Financial Services Committee, Chairman BARNIE FRANK, and the subcommittee chair, LUIS GUTIERREZ; as well as my cosponsors, including my Republican cosponsors, Mr. MANZULLO, Mr. BURGESS and Mr. BILBRAY, for their support of H.R. 3421, the Medical Debt Relief Act of 2010.

This bill would protect hardworking Americans who play by the rules, pay or settle their medical debts, and yet find their economic well-being and credit scores adversely affected for years to come due to medical debt, large or small, that has gone to collection. Specifically, this legislation would prohibit credit reporting agencies from including in an individual’s credit report fully paid off or settled medical debt collection.

So many of us have had issues with trying to figure out what insurance companies are paying and what they were responsible for or maybe had to fight with a health insurance company to get creditors to forgive the obligation to pay a health care bill or maybe they had a high deductible policy to save money and took a little bit extra time to pay off their bill. But pay they did. And yet they find that their credit is adversely affected for years to come.

This is a serious problem that can affect millions of people. In fact, according to the Commonwealth Fund, medical bill problems or accrued medical debt affects roughly 72 million working-age adults in America. In 2007, 28 million working-age American adults were contacted by a collection agency for an unpaid medical bill. Furthermore, a 2003 report in the Federal Reserve Bulletin found that medical debt collection efforts and in dispute, inconsistently reported, and of questionable value in predicting future credit payments or credit performance because medical debt is atypical and non-predictive. In the same 2003 report, it was found that 85 percent of medical collections were for less than $500.

This issue is further compounded by the fact that medical billing errors are common among third-party insurers. According to the Quicken Health Group, nearly 40 percent of Americans do not understand their medical bills or are confused about the amounts owing, and that those amounts are correct. Finally, the enactment of H.R. 3421 would result in more accurate credit scores, allowing businesses to better price risk.

This legislation has broad-based support, including from the National Association of Consumer Advocates, Consumer Action, Families USA, UNITÉ HERÉ, the National MS Society, the Corporation of Enterprise Development, the NAACP, the National Council of La Raza, the Consumer Federation of America, U.S. Catholic Conference, PIRG, and Community Catalyst.

Mr. Speaker, I reserve the balance of my time.

Ms. KILROY. I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Alabama talks about robust reporting and about making sure that credit is more accurately reported. This is what this bill would do.

There is so much confusion and error surrounding the issue of medical debt, and medical debt is not an accurate predictor of someone's creditworthiness. Somebody might get a sudden illness or might get hit by a car. It's not like a person is going out and buying a lot of vacations or a house or televisions on a lot of vacations or out to dinner every night. They are people who are playing by the rules and who are paying off that debt.

To the contrary, I think that this bill, rather than undermining the availability of credit, would actually encourage the availability of credit by having more accurate credit scores and by allowing people to obtain more reasonable rates on credit because of having more accurate credit scores. Par-
hardworking Americans. It will help the economy. It will help make a more accurate credit reporting score.

I reserve the balance of my time. 

Mr. BACHUS. Mr. Speaker, the gentlenessman from North Carolina (Mr. MILLER) and the gentleman from Minnesota (Mr. PAULSEN) each will control 20 minutes. 

Mr. BACHUS. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present. 

Mr. BACHUS. Mr. Speaker, I object to the vote on the ground that a quorum is not present. 

Mr. BACHUS. Mr. Speaker, I object to the vote on the ground that a quorum is not present. 

Mr. BACHUS. Mr. Speaker, I object to the vote on the ground that a quorum is not present. 

Mr. Johnson of Georgia. Mr. Speaker, I have no further remarks on this legislation and the amendments made by that legislation. 

Mr. BACHUS. Mr. Speaker, I yield back the balance of my time.

Ms. KILROY. This is a bill that will help millions of Americans, and I ask my colleagues for their support. 

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time. 

The SPEAKER pro tempore (Mr. CRUZ). The question is on the motion offered by the gentlenessman from Ohio (Ms. KILROY) that the House suspend the rules and pass the bill, H.R. 3942, as amended. 

The question was taken. 

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair’s prior announcement, further proceedings on this motion will be postponed. 

The point of no quorum is considered withdrawn. 

SMALL BUSINESS JOBS ACT 
AMENDMENT 
Mr. MILLER of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 691) to amend the Small Business Jobs Act of 2010 to include certain construction and land development loans in the definition of small business lending. 

The Clerk read the title of the bill. 

The text of the bill is as follows: 

H.R. 691 

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, 

SECTION 1. AMENDMENT. 

Section 4102(18)(A) of the Small Business Jobs Act of 2010 is amended by adding at the end the following: 

“(I) IN GENERAL.—Loans secured by real estate— 

“(aa) that are made to finance— 

“(AA) land development that is preparatory to erecting new structures, including improving land, laying sewers, and laying water pipes; or 

“(BB) the on-site construction of industrial, commercial, residential, or farm buildings; 

“(bb) that is vacant land, except land known to be used or usable for agricultural purposes, such as crop and livestock production; 

“(cc) the proceeds of which are to be used to acquire and improve developed or undeveloped property; or 

“(dd) that are made under title I or title X of the National Housing Act. 

“(II) CONSTRUCTION INDUSTRY REQUIREMENT.—Subclause (I) shall only apply to loans that are extended to small business concerns in the construction industry, as such term is defined by the Secretary in consultation with the Administrator of the Small Business Administration. 

“(III) CONSTRUCTION DEFINED.—For purposes of this clause, the term ‘construction’ includes the construction of new structures, additions or alterations to existing structures, and the demolition of existing structures to make way for new structures.”. 

SEC. 2. EFFECTIVE DATE. 

This Act, and the amendments made by this Act, shall take effect on the later of the following: 

(1) The date of the enactment of this Act. 

(2) The date of the enactment of the Small Business Jobs Act of 2010. 

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. MILLER) and the gentleman from Minnesota (Mr. PAULSEN) each will control 20 minutes. 

Mr. BACHUS. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon. 

The SPEAKER pro tempore. Is there objection to the request of the gentlenessman from North Carolina? 

There was no objection. 

Mr. MILLER of North Carolina. I yield myself such time as I may consume. 

Mr. Speaker, this bill amends the Small Business Lending Fund legislation that the President signed just yesterday. The bill is identical to a House amendment that passed 418-3 but was left out of the other body’s version of the legislation for reasons that surpass understanding.

This bill, like the amendment, adds land acquisition and construction loans to the loans that qualify for the Small Business Lending Fund. The sad truth is that in many—really, most—parts of the country this bill will not have a lot of effect right away. Under the SBLF, community banks are on the hook if they make loans that don’t get paid back, and they’re going to steer clear of acquisition, development, and construction loans for home building until the demand for new housing improves.

Around the country, there is an enormous inventory of existing homes, on or off the market. Because so much of the foolishness that led to the financial crisis was connected to housing, the housing sector of our economy remains very sick and won’t get well right away. There are millions of foreclosed homes and homes destined for foreclosure. Mr. Speaker, I wish everyone in Washington felt the urgency that I feel about fixing that problem. 

But there are markets now that have a demand for new homes and home builders cannot get credit, ordinary loans, because of pressure from regulators on the smaller banks not to make real estate loans, not to make dirt loans. 

That indiscriminate refusal to lend for residential construction is killing jobs. We’ve lost 3 million jobs in the last 5 years in home construction and related industries. The jobs we’ve lost...
Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also want to rise in support of my colleague Mr. MILLER’s efforts to make this legislation and urge my colleagues to pass this bipartisan bill. I appreciate also what my colleagues are trying to do, but I do believe that if we’re really going to be focused on helping the small business community, we need to bring some certainty in the market and to the economy for them. Right now many small businesses are struggling with the uncertainty, not knowing what regulations this Congress is going to come up with next on health care or on cap-and-trade legislation; and most importantly now, rather than additional bailout programs, I do think we need to be talking more down the road, hopefully tomorrow, about extending the tax cuts rather than having tax increases that will take place on January 1.

So that hostile business environment also is going to hurt the small business community, but I commend the gentleman for his work on this legislation. I yield the balance of my time.

Mr. MILLER of North Carolina. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. MILLER) that the House suspend the rules and pass the bill, H.R. 6191.
today, and their families face many hardships, many challenges, and this ought to be a priority. It’s something that everyone in this body should embrace, and I’d like to commend you for standing up for our men and women in uniform and their families. Thank you very much.

Mr. PAULSEN. Mr. Speaker, in closing, I just simply want to thank both the staff of the Financial Services Committee as well as the House Veterans Affairs Committee for all their work in this legislation and putting this together. I hope we can pass this bill to help all the families of our service men and women.

I yield back the balance of my time.

Mr. MINNICK. I would like to thank the gentleman from Alabama for his remarks and the gentleman from Minnesota for his leadership.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Idaho (Mr. MINNICK). I am told the House has suspended the rules and pass the bill. H.R. 6068.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECOGNIZING SICKLE CELL DISEASE AWARENESS MONTH

Ms. HIRONO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1663) supporting the goals and ideals of Sickle Cell Disease Awareness Month.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1663

Whereas Sickle Cell Disease is an inherited blood disorder that is a major health problem in the United States and worldwide;

Whereas Sickle Cell Disease causes the rapid destruction of sickle cells, which results in multiple medical complications, including anemia, jaundice, gallstones, strokes, and restricted blood flow, damaging tissue in the liver, spleen, and kidneys, and death;

Whereas Sickle Cell Disease causes episodes of considerable pain in one’s arms, legs, chest, and abdomen;

Whereas Sickle Cell Disease affects an estimated 70,000 to 100,000 Americans;

Whereas approximately 1,000 babies are born with Sickle Cell Disease each year in the United States, with the disease occurring in approximately 1 in 500 newborn African American infants, 1 in 1,000 newborn Hispanic Americans, and is found in persons of Greek, Italian, East Indian, Saudi Arabian, Asian, Syrian, Turkish, Cypriot, Sicilian, and Caucasian origin;

Whereas more than 2,000,000 Americans have the sickle cell trait, and 1 in 12 African Americans carry the trait;

Whereas there is a 1 in 4 chance that a child born to parents who both have the sickle cell trait will have the disease;

Whereas the life expectancy of a person with Sickle Cell Disease is severely limited, with an average life span for an adult being 45 years;

Whereas, though researchers have yet to identify a cure for this painful disease, advances in treating the associated complications have occurred;

Whereas researchers are hopeful that in less than two decades, Sickle Cell Disease may join the list of diseases that, when properly treated, do not interfere with the activity, growth, or mental development of affected children;

Whereas Congress recognizes the importance of researching, preventing, and treating Sickle Cell Disease by authorizing treatment centers to provide medical intervention, educational services, and by permitting the Medicaid program to cover some primary and secondary preventative medical strategies for children and adults with Sickle Cell Disease;

Whereas the Sickle Cell Disease Association of America, Inc. remains the preeminent advocacy organization that serves the sickle cell community by focusing its efforts on public policy, research funding, patient services, public awareness, and education related to developing effective treatments and a cure for Sickle Cell Disease;

Whereas the Sickle Cell Disease Association of America, Inc. has requested that the Congress designate September as Sickle Cell Disease Awareness Month in order to educate communities across the Nation about sickle cell and the need for research funding, early detection methods, effective treatments, and prevention programs; Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Sickle Cell Disease Awareness Month; and

(2) promotes education of teachers, school nurses, and school personnel in educational strategies such as distance learning and tutoring that will ensure children with Sickle Cell Disease can continue to access and pursue their education.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Hawaii (Ms. HIRONO) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Hawaii.

Ms. HIRONO. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 1663 into the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

Ms. HIRONO. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1663, which designates the month of September as Sickle Cell Awareness Month. I urge my colleagues to join me in supporting this resolution.

I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 1663, supporting the goals and ideals of Sickle Cell Disease Awareness Month.

Sickle cell anemia is a serious disease in which the body makes sickle-shaped red blood cells. Sickle shaped means that the red blood cells are shaped like the letter “C.” Normal red blood cells are disc shaped and look like doughnuts without holes in the center. They move easily through your blood vessels. Red blood cells contain the protein hemoglobin. This iron-rich protein gives blood its red color and carries oxygen from the lungs to the rest of the body. Sickle cells contain an abnormal hemoglobin that causes the cells to have a sickle shape. Sickle-shaped cells do not move easily through your blood vessels. They are stiff and sticky and tend to form clumps and get stuck in the blood vessels. The clumps of sickle cells block blood flow in the blood vessels that lead to the limbs and the organs. Blocked blood vessels can cause pain, serious infections, and organ damage.

This disease affects an estimated 70,000 to 100,000 people in this country. Approximately 1,000 babies are born with sickle cell disease each year in the United States. More than 2 million Americans have the sickle cell trait, and 1 in 12 African Americans carry the trait. There is a 1 in 4 chance that a child born to parents who have the trait will have the disease. The life expectancy of a person with sickle cell disease is about 45 years of age. Researchers have yet to find a cure for this disease. However, I hope that sickle cell disease, when properly treated like other chronic diseases, will not interfere with activity.
growth, and development of affected children.

Today we recognize the importance of prevention, treatment, research, and education on sickle cell disease and support the designation of September as Sickle Cell Disease Awareness Month. I urge my colleagues to support this resolution, and I simply want to close by saying that this is primarily a disease of African Americans. For years it has been known that they tend to have, by far, the largest number of sickle cells in their bodies; and, therefore, there is a real demand, a great need to find out what the source of this disease is and what can be done to prevent it because it has a dramatic affect on the African Americans in our Nation. I urge my colleagues to support this resolution.

I have no further requests for time, and I yield back the balance of my time.

Ms. HIRONO. In closing, I too want to ask my colleagues to support this important resolution, as it affects so many thousands and thousands of people, particularly the African American community.

With that, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) to amend the House rules and agree to the resolution. H. Res. 1663.

The question was taken; and (two-thirds being in the affirmative) the motion to amend the resolution and the resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH 2010

H. Res. 1637

Ms. HIRONO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1637) supporting the goals and ideals of National Domestic Violence Awareness Month 2010 and expressing the sense of the House of Representatives that Congress should continue to raise awareness of domestic violence in the United States and its devastating effect on families and communities, and support programs and practices designed to prevent and end domestic violence, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

WHEREAS pervasive domestic violence is a disease of all ages as well as racial, ethnic, gender, economic, and religious backgrounds;

WHEREAS females are disproportionately victims of domestic violence;

WHEREAS 6 in 10 Native American women will be physically assaulted in their lifetimes;

WHEREAS approximately 15,500,000 children are exposed to domestic violence every year;

WHEREAS children exposed to domestic violence are more likely to attempt suicide, drink drugs, and be abused by a parent or other household member;

WHEREAS a large study found that men exposed to physical abuse, sexual abuse, and adult domestic violence were almost 4 times more likely than other men to have perpetrated domestic violence as adults;

WHEREAS women ages 16 to 24 experience the highest rates, per capita, of intimate partner violence;

WHEREAS approximately 1 in 3 adolescent girls in the United States experience physical, emotional, or verbal abuse from a dating partner, a figure that far exceeds victimization rates for other types of violence affecting youth;

WHEREAS young girls who are physically and sexually abused are up to 6 times more likely to become pregnant, and more than 2 times as likely to report a sexually transmitted disease, than teen girls who are not abused;

WHEREAS 1,500,000 high school students nationwide experienced physical abuse from a dating partner in a single year;

WHEREAS young people who are physically abused perform worse in school;

WHEREAS adolescent girls who reported dating violence were 60 percent more likely to report one or more suicide attempts in the past year;

WHEREAS primary prevention programs are a key part of addressing teen dating violence, and many successful community examples include education, community outreach, and social marketing campaigns that account for the cultural appropriateness of programs;

WHEREAS one-quarter to one-half of domestic violence victims report that they have lost a job due, at least in part, to domestic violence;

WHEREAS the annual cost of lost productivity due to domestic violence is estimated at $727,800,000 with over 7,900,000 paid workdays lost per year;

WHEREAS according to the Centers for Disease Control and Prevention, in 2003, the costs of intimate partner violence exceed $8,300,000,000 and $1,200,000,000 in the value of lost lives;

WHEREAS even 5 years after the abuse has ended, health care costs of women with a history of intimate partner violence remain 20 percent higher than those for women with no history of violence;

WHEREAS in addition to the immediate trauma caused by abuse, domestic violence contributes to a number of chronic health problems, including depression, alcohol, substance abuse, and sexually transmitted diseases such as HIV/AIDS, and often limits the ability of women to manage other chronic illnesses such as diabetes and hypertension;

WHEREAS perpetrators of domestic violence are likely to box in the secret lives of their partners, and ultimately to physically abuse the women in their homes with a history of intimate partner violence remain 20 percent higher than those for women with no history of violence;

WHEREAS in addition to the immediate trauma caused by abuse, domestic violence contributes to a number of chronic health problems, including depression, alcohol, substance abuse, and sexually transmitted diseases such as HIV/AIDS, and often limits the ability of women to manage other chronic illnesses such as diabetes and hypertension;

WHEREAS perpetrators of domestic violence are likely to box in the secret lives of their partners, and ultimately to physically abuse the women in their homes with a history of intimate partner violence remain 20 percent higher than those for women with no history of violence;

WHEREAS research demonstrates that men are willing to help prevent violence against women, particularly through shaping the attitudes of younger men and boys;

WHEREAS domestic violence as children were 60 percent more likely to report one or more suicide attempts in the past year;

WHEREAS primary prevention programs are a key part of addressing teen dating violence, and many successful community examples include education, community outreach, and social marketing campaigns that account for the cultural appropriateness of programs;

WHEREAS domestic violence is defined as the willful intimidation, assault, battery, sexual assault or other abusive behavior perpetrated by an intimate partner against another. It is an epidemic that affects women, men, and children in every community regardless of age, sex, economic status, nationality, or educational background.

One in four women and one in six men will be victims of domestic violence in their lifetime; and 15¼ million children are abused every year. Children exposed to domestic violence are more likely themselves to commit acts of domestic violence when they are adults, and to commit suicide, abuse drugs, and engage in teenage prostitution. It is critical that our communities have the resources they need both to help prevent domestic violence from occurring and to support victims when abuse has occurred. During this month, communities and groups nationwide hold events to increase awareness
I urge my colleagues to support House Resolution 1637.

Mr. Speaker, I yield the balance of my time.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 1637, supporting the goals and ideals of National Domestic Violence Awareness Month 2010 and expressing the sense of the House of Representatives that Congress should continue to raise awareness of domestic violence in the United States and its devastating effects on families and communities, and support families and practices designed to prevent and end domestic violence.

Women disproportionately experience domestic violence in their lives. Boys who are exposed to domestic violence are four times as likely to perpetrate domestic violence of adults. The cost of intimate partner violence exceeds $8.33 billion each year. As evident by these staggering statistics, domestic violence has far-reaching effects in our community, regardless of age, economic status, religion, nationality, educational background or gender.

Domestic violence is the willful intimidation, assault, battery, sexual assault and/or other abusive behavior perpetrated by an intimate partner against another. It is an epidemic that affects individuals in every community, regardless of age, economic status, the lines that tend to put us in various categories. This resolution transcends more than party lines. It transcends the lines of race, ethnicity. It transcends the lines of political party lines. It transcends lines of partisan. It is a resolution that receives wide support annually, and it is a resolution that transcends all of these lines. It goes into all walks of life.

It doesn’t matter what your economic status is, your social status is. Domestic violence can impact people at all levels of life. And this resolution hopefully will put enough focus on it, such that we will continue to admonish persons who engage in this kind of intimidating, assaultive behavior, admonish them to seek counseling, try to get yourself in a position such that you can treat your fellow human being as a child of God meriting the same kind of consideration that you would want your daughter or your mother, if you happen to be a male.

I would also add that there have been Federal efforts that should not go unnoticed. This started about 20 years ago and has continued and to have had more than just this month. We also had the Violence Against Women Act of 1994, which created a new culture as it relates to domestic violence. It helped the police and the judges and the prosecutors to understand that this was more than a personal event that took place. It was something that impacted society as a whole. And I am looking forward to supporting the reauthorization of the Violence Against Women Act in 2010.

Family Violence Prevention and Services Act, this provides emergency shelters, crisis intervention programs, and community education.

I am also proud to mention the American Recovery and Reinvestment Act because this act provided $225 million for violence against women in the sense that it helped to fund programs that will help women who find themselves being victimized.

The awareness of domestic violence is growing. I have indicated that judges and prosecutors and police officers——

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. HIRONO. Mr. Speaker, I yield an additional 1 minute to the gentleman.

Mr. AL GREEN of Texas. The confluence, if you will, now understands the importance of treating this as a serious issue, and much progress has been made. However, there is still much to be done. We still have about 9,000 requests for help that go unnoticed and unanswered on a daily basis. We still have victims who continue to suffer in silence: 29 women lost their lives in Harris County; 136 Texas women were killed; 11 Texas children were killed; 92 percent of homeless women suffer physical and sexual abuse.

So I will just simply close with this: I am honored to be a cosponsor, and I am honored that the resolution is being presented. And I beg that all of my colleagues would please support this resolution because you are supporting families across the length and breadth of the country. You are helping them together, and you are helping to prevent someone from being abused.

Mr. CASSIDY. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. POE).

Mr. POE of Texas. I thank the gentleman for yielding.

Mr. AL GREEN of Texas. I yield the additional 1 minute to the gentleman.

Mr. POE of Texas. I thank the gentleman for yielding.

Mr. AL GREEN of Texas. The confluence, if you will, now understands the importance of treating this as a serious issue, and much progress has been made. However, there is still much to be done. We still have about 9,000 requests for help that go unnoticed and unanswered on a daily basis. We still have victims who continue to suffer in silence: 29 women lost their lives in Harris County; 136 Texas women were killed; 11 Texas children were killed; 92 percent of homeless women suffer physical and sexual abuse.

So I will just simply close with this: I am honored to be a cosponsor, and I am honored that the resolution is being presented. And I beg that all of my colleagues would please support this resolution because you are supporting families across the length and breadth of the country. You are keeping them together, and you are helping to prevent someone from being abused.

Mr. CASSIDY. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. POE).
were young buck lawyers in the courthouse doing battle in Houston, Texas. So it has been a long time.

But he is correct, this is an issue that must continue to come to the awareness of the American people, that domestic violence is something that is, unfortunately, continuing in this country.

Thirty-five percent of the murder victims that were killed in 2008 were killed by intimate partners of people that they knew. Intimate partners, 35 percent of them, murdered by people that were close to them.

In 2007, crimes by intimate partners accounted for 23 percent of all crimes against women.

In a single day in 2009, 65,000 victims were treated by domestic violence programs; but, due to lack of resources and funding, almost 10,000 were turned away because there were no resources to take care of them.

We have a growing need and presence of domestic violence shelters throughout the country, and they have fewer and fewer resources to take care of these people. They seek refuge from someone that they knew who has been trying to assault them or has succeeded in assaulting them.

Congress must, of course, pass the re-authorization of the Family Violence Prevention and Services Act. Victim service providers are on the front lines of defense against domestic violence, and this funding is vital to the treatment and reduction of domestic violence.

I spent all of my legal career before coming here as a prosecutor and a criminal court judge, so I was always in the courthouse doing criminal cases, and I saw the result of what happens when people in family situations commit crimes against other family members. It is something that has to cease in this country, and it is also something that we, as a community, need to be aware of. Unfortunately, many times courts don’t take these cases seriously.

One of my favorite people is Yvette Cade from Baltimore, Maryland. Yvette Cade was a real person, still is a real person. And all these cases are about real people, Mr. Speaker.

On October 10, 2005, Yvette Cade’s estranged husband—Roger Hargrave—is his name. He and his wife were not getting along, so he sought her out. He went to a store where she worked, a video store, walked inside with a bottle full of gasoline, came up to her, and he poured that gasoline over her head and set her on fire. Yvette Cade, a victim of domestic violence.

She survived that brutal assault, and, thanks to a passerby that saw this happen, the fire was put out in the parking lot. The judge involved in this case, Prince George’s County Judge Richard Palumbo, had already lifted a protective order against Hargrave. If he had not lifted that protective order to keep him away from his estranged wife, she may not have had this brutal assault committed against her.

Now, Hargrave is serving life in prison for the assault, setting his wife on fire, but Mrs. Yvette Cade has third-degree burns over 60 percent of her body. She has had 19 surgeries. She survived this brutal attack. She is a remarkable woman. She has a spirit that it surprises me she has the spirit that she does.

But she is just one of thousands of people, Mr. Speaker, that are assaulted in the family, and it continues. We, in this sorry state, have to make sure that it is socially unacceptable to hurt somebody in the family.

My grandmother, who was the most influential person in my life, lived to be the age of 90. Judge Green would like this: She never forgave me for being a Republican. That is a different issue. But she always said, You never hurt somebody you claim you love. And that is a true statement, and it always has to stand that if they claim you love them.

So it is an honor for me to support this. I honor also and recognize the National Coalition Against Domestic Violence, all those wonderful organizations that are out there taking care mainly of women who find themselves in desperate situations because someone that supposedly loved them treated them so badly.

Mr. CASSIDY. I yield back the balance of my time.

Ms. HIRONO. In closing, Mr. Speaker, it is very clear, and I thank my colleagues for their very strong remarks in support of this resolution, because domestic violence truly knows no bounds; and the women, children, and seniors who are the most vulnerable in our communities, who are generally the victims of domestic violence, need our support, need our help. So I again urge my colleagues to support House Resolution 1637.

Mr. BURTON of Indiana. Mr. Speaker, I rise in strong support of House Resolution 1637, expressing the support of the House of Representatives of the goals and ideals of National Domestic Violence Awareness month. I would like to thank the Chairman and Ranking Member of the Education and Labor Committee for bringing this resolution to the Floor; and so I would like to thank Representative H.7086—author of the resolution—for his tireless efforts to raise awareness of the scourge of domestic violence.

I am proud to be a cosponsor of this resolution because domestic violence for me is not an abstract concept; I have lived through domestic violence and I think it is important for people to hear my story and understand the human side of this problem. My colleagues who spoke before me did an excellent job laying out the statistics but the numbers do not fully express what it’s like to survive domestic violence.

I have said this before but I can’t stress this point enough: it is so important that everybody in America be involved in stopping domestic violence. There are so many people out there that have heard some woman scream in the night or seen some child beaten by a father, mother or caregiver and simply done nothing about it. They say to themselves that it is not their problem, and so they go on their merry way, and they feel like this problem will go away on its own. It doesn’t go away. It only gets worse and worse and worse until sometimes people get killed or maimed for life. I know because I have lived through this hell.

This lady was sixty-eight years old. She was five-foot-and-a-half inches tall, and he used to beat her so badly that we couldn’t recognize her. He would tear her clothes off in front of me and my brother and sister, and then if we said anything he would beat us too.

Thankfully for my family he eventually went to prison for trying to kill my mother, but one of the reasons it went that far, in my opinion, is because there wasn’t enough attention paid to what he was doing in the first place.

I can remember one night about 2 o’clock in the morning, my mother, who had been beaten up, took me and my brother and sister down to the police station in Indianapolis, and she went to the desk sergeant and said to him, I know who she is, she would not restrain- ing order, get away from this brute and this brutality. And the desk officer said, you know what time it is, lady? It’s 2 o’clock in the morning, and these kids ought to be in bed. If you don’t take these kids home right now, I’m going to arrest you for child abuse. That was the attitude that we saw back in those days.

I can remember when she would throw a lamp through the front window when he was beating on her, or me, and scream for help so loud that you could hear it for blocks away and nobody came. Nobody’s light went on. Nobody paid any attention. That is the crime! The crime isn’t just the wife abuse or child abuse or spousal abuse. The crime is that people don’t take it upon themselves to stop it.

Today, police departments have improved across this country; and there are a lot of organizations that are trying to help men, women and kids who are abused, and that’s great. It’s a great step in the right direction, but if we don’t get these statistics that may tell you, the violence still goes on and on and on. The only way it’s going to stop is, if collectively across this country, men and women who see violence in public or in private or hear about it, report it to the police, report it to the proper people and get that perpetrator away from that man and that woman and those kids. If we don’t do that, this is never going to stop. The perpetrator has to be afraid of what’s going to happen to him or her. And I’d like to say that this legislation, this is very important legislation. I really appreciate it. I’m glad that we support this every year, and I encourage everyone to vote in favor of this resolution. We need to make sure there’s awareness of this violence. Only by shining the light of day on this can we eliminate this scourge once and for all.

Mr. BOSWELL. I rise today to bring to light my concerns about the growing epidemic of domestic violence in our country, and to vehemently voice my support for H. Res. 1637, commemorating October as Domestic Violence Awareness Month.

Domestic violence, sexual assault, dating violence and stalking are crimes of epidemic
proportions that impact millions of individuals and every community in our Nation. To address and prevent these crimes, the Federal Government created the Violence Against Women Act (VAWA) and the Family Violence Prevention and Services Act (FVPSA). VAWA programs administered by the Departments of Justice (DOJ) and Health and Human Services (HHS) have changed Federal, tribal, State, and local responses to these four crimes.

In 2007, crimes by intimate partners accounted for 23 percent of all violent crimes against females and 3 percent of all violent crimes against males. This rate jumped in 2008, when 35 percent of female murder victims were killed by an intimate partner. These staggering statistics are just a few examples of how serious this problem has become. These figures compel us to raise awareness in the health care community about the devastating effect that domestic violence has on families and communities.

The current economic crisis has a disproportionately high and devastating impact on victims of domestic violence, sexual assault, dating violence and stalking. When victims of these heinous acts take the difficult step to reach out for help, many are in life-threatening situations and must be able to find immediate refuge. Given the dangerous and potentially lethal nature of these crimes, we cannot afford to ignore these victims’ needs.

In Congress continue to support the Department of Justice and the Department of Health and Human Services as they continue their efforts to put an end to domestic violence in our country.

I urge my colleagues to continue to raise awareness about this grave issue by supporting H. Res. 1637 and designating October as Domestic Violence Awareness Month.

Ms. HIRONO. I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and agree to the resolution, H. Res. 1637, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL SCHOOL PSYCHOLOGY WEEK

Ms. HIRONO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1645) expressing support for designation of the week beginning on November 8, 2010, as National School Psychology Week.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. Res. 1645

Whereas all children and youth learn best when they are healthy, supported, and receive an education that meets their individual needs;

Whereas schools can most effectively ensure that all students are ready and able to learn if schools meet all the needs of each student;

Whereas learning and development are directly linked to the mental health of children, and a supportive learning environment is an optimal place to promote mental health;

Whereas sound psychological principles are critical to proper instruction and learning, social and emotional development, prevention and early intervention, and support for a culturally diverse student population;

Whereas school psychologists are specially trained to deliver mental health services and academic support that lowers barriers to learning and allows teachers to teach more effectively;

Whereas school psychologists facilitate collaboration among parents and educators identify and reduce risk factors, promote protective factors, create safe schools, and access community resources;

Whereas school psychologists are trained to assess barriers to learning, utilize data-based decision making, implement research driven prevention and intervention strategies, evaluate outcomes, and improve accountability;

Whereas State educational agencies and other State entities credential more than 35,000 school psychologists who practice in schools in the United States as key professionals that promote the learning and mental health of all children;

Whereas the National Association of School Psychologists establishes and maintains high standards for training, practice, and school psychologist credentialing, in collaboration with organizations such as the American Psychological Association, that promote effective and ethical services by school psychologists to children, families, and schools;

Whereas the National Association of School Psychologists has a Model for Comprehensive and Integrated School Psychological Services that promotes standards for the consistent delivery of school psychological services to all students in need;

Whereas the people of the United States should recognize the vital role school psychologists play in the personal and academic development of the Nation’s children; and

Whereas the week beginning on November 8, 2010, would be an appropriate week to designate as National School Psychology Week: Now, therefore, be it

Resolved, That the House of Representa-tives—

(1) supports the designation of National School Psychology Week;

(2) honors and recognizes the contributions of school psychologists to the success of students in schools across the United States; and

(3) encourages the people of the United States to observe the week with appropriate ceremonies and activities that promote awareness of the vital role school psychologists play in schools, in the community, and in helping students become successful and productive members of society.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Hawaii (Ms. HIRONO) and the gentleman from Louisiana (Mr. CASSIDY) each will control 20 minutes.

The Chair recognizes the gentle-woman from Hawaii.

GENERAL LEAVE

Ms. HIRONO. Mr. Speaker, I ask unanimous consent that Members be granted 5 legislative days to revise and extend and insert extraneous material on House Resolution 1645 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentle-woman from Hawaii?

There was no objection.

Ms. HIRONO. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1645, which honors and recognizes the contributions of school psychologists in our Nation’s education system by designating the week of November 8, 2010, as National School Psychology Week.

School psychologists are mental health professionals with specialized training who understand that many students face barriers to learning and need additional support to overcome these barriers and improve academic and behavioral outcomes. There are more than 35,000 credentialed school psychologists in this country who are essential in helping children succeed in school.

National School Psychology Week reminds us of the integral role school psychologists play daily in our schools to help ensure that our students have an opportunity to reach his or her full potential.

I would like to thank Representative Longack for introducing this important measure and, once again, express my support for House Resolution 1645.

The work of school psychologists helps reduce high school dropout rates, decreases problem behaviors, and promotes academic success. School psychologists work together with youth, parents, and educators to identify and reduce risk factors, create safe schools, and access community resources.

Mental health professionals in the academic setting, including school psychologists, can play an important role in increasing a student’s engagement in school. The results of this work can be seen in absolute, concrete terms. Research points to higher standardized test scores and better grades as well as decreased absences and discipline referrals. School psychologists are a vital resource in helping us narrow the achievement gap and reducing disproportionate representation of students from diverse backgrounds in special education.

Mr. Speaker, I once again express my support for House Resolution 1645 which recognizes the week of November 8th as National School Psychology Week.

I urge my colleagues to join me in support of the resolution.

I reserve the balance of my time.

Mr. CASSIDY. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 1645, expressing support for designation of the week beginning on November 8, 2010, as National School Psychology Week.

National School Psychology Week takes place from November 8 to November 12 this year. Recognizing National School Psychology Week promotes the importance of providing support for students to help ensure a safe, and positive learning environment and to help remove academic and personal barriers to students’ success.
The role of school psychologists is diverse. School psychologists may help deliver mental health services as well as academic support. These individuals may also help to assess students to determine what learning barriers they face and how best to address those barriers.

### Section 1. SHORT TITLE

This Act may be cited as the “American Manufacturing Efficiency and Retraining Investment Collaboration Achievement Works Act” or the “AMERICA Works Act”.

### SEC. 2. INDUSTRY-RECOGNIZED AND NATIONALLY PORTABLE CREDENTIALS FOR JOB TRAINING PROGRAMS.

#### (a) WORKFORCE INVESTMENT ACT OF 1998.

- **(1) GENERAL EMPLOYMENT AND TRAINING ACTIVITIES.**—Section 134(d)(4)(F) of the Workforce Investment Act of 1998 (29 U.S.C. 2854(c)(1)(C)) is amended—
  - (A) by redesignating clauses (ii) through (iv) as clauses (iii) through (v), respectively; and
  - (B) inserting after clause (i) the following:
    - “(ii) training (with priority consideration given to programs that lead to a credential that is in high demand in the local area served and listed in the registry described in section 3(b) of the AMERICA Works Act, if the local board determines that such programs are available and appropriate);”.
- **(2) YOUTH ACTIVITIES.**—Section 129(c)(1)(B) of the Workforce Investment Act of 1998 (29 U.S.C. 2854(c)(1)(C)) is amended—
  - (A) by redesignating clauses (ii) through (iv) as clauses (iii) through (v), respectively; and
  - (B) inserting after clause (i) the following:
    - “(ii) training (with priority consideration given to programs that lead to a credential that is in high demand in the local area served and listed in the registry described in section 3(b) of the AMERICA Works Act, if the local board determines that such programs are available and appropriate);”.
- **(3) TECH-PREP PROGRAMS.**—Section 293(c)(2)(E) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2373(c)(2)(E)) is amended by striking “industry-recognized credential or certificate,” and inserting “industry-recognized credential or certificate (such as a high-demand registry skill credential described in section 122(c)(1)(B)(i)).”.
- **(4) SEC. 3. SKILL CREDENTIAL REGISTRY.**
  - **(a) DEFINITIONS.**—In this section:
    - **(2) INDUSTRY-RECOGNIZED.**—The term “industry-recongnized”, used with respect to a credential, means a credential that—
      - is sought or accepted by companies within the industry sector involved as recognized, preferred, or required for recruitment, screening, or hiring; and
      - is endorsed by a nationally recognized trade association or organization representing a significant part of the industry sector.
    - **(3) NATIONALLY PORTABLE.**—The term “nationally portable”, used with respect to a credential, means a credential that is sought
The context of a larger reauthorization discussion is important to ensuring the future of the American workforce. We need to take a comprehensive approach to workforce development and not approach these problems in a piecemeal fashion.

I reserve the balance of my time.

Ms. HIRONO. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Idaho (Mr. MINNICK).

Mr. MINNICK. Mr. Speaker, I rise in support of H.R. 4072, the AMERICA Works Act. This is a bill that would direct the use of already-appropriated funds within the Carl Perkins Vocational Technical Education Act to prepare American workers with the skills necessary to qualify for the increasingly high-tech jobs available in the 21st century. It would do so by making available Federal funds from these programs to obtain nationally recognized industry credentials acceptable anywhere in the country.

Under this bill, training would continue to be done by technical schools, universities, and union-sponsored joint-venture programs in coordination with companies and business groups. A welder certified in a junkyard in Maryland would have a certificate qualifying him to work in a machine shop in Idaho. An AmeriCorps trained diesel mechanic in my State could get an auto mechanic’s job in yours.

American workers are the best in the world. They are resilient, innovative and hardworking, but they must be properly trained and have widely accepted and understood credentials making them employable anywhere. This bill will ensure that Federal job training is used to provide hardworking Americans desiring training with the certificates, degrees, and credentials American industry needs to fill the sophisticated technical jobs available in today’s business world.

I thank my colleague from Indiana for his support and the gentlewoman from Hawaii for her leadership, and urge my colleagues to support this bipartisan commonsense legislation.

Mr. CASSIDY. Mr. Speaker, I yield back the balance of my time.

Ms. HIRONO. Mr. Speaker, in closing, I would once again urge my colleagues to support the AMERICA Works Act. At a time when unemployment is high, we need to do everything we can to enable the workforce not only to be trained, but to be able to utilize that training anywhere in our country.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and pass the bill, H.R. 4072, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. HIRONO. Mr. Speaker, on that I demand the yeas and nays.
The years and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

TEMPORARY EXTENSION OF SMALL BUSINESS PROGRAMS

Ms. VELÁZQUEZ. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3839) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

The Clerk reads the title of the bill.

The text of the bill is as follows:


(a) IN GENERAL.—Section 1 of the Act entitled "An Act to extend temporarily certain provisions of the Small Business Act and the Small Business Investment Act of 1958," as most recently amended by section 1 of Public Law 111–214 (124 Stat. 2346), is amended by striking "September 30, 2010" each place it appears and inserting "January 31, 2011".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on September 29, 2010.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Louisiana (Mr. CASSIDY) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the role of small businesses in moving the economy forward has never been more important. Making up over 99 percent of all U.S. firms, they are critical to innovation, wealth creation, and, most importantly, employment gains.

As the economy continues to show signs of resurgence, we need to make certain that entrepreneurs have the right tools to make the most out of the recovery. The legislation before us extends the authorization of the several important Small Business Administration programs which are key to supporting entrepreneurs across the country. Through the agency's initiatives, entrepreneurs are able to get a loan, secure a federal contract, and receive expert technical assistance.

The SBA is unique in that many of its programs work through resource partners. These partners, including training centers and community banks, are essential to the delivery of the agency's services to the small business community.

Through this public-private network, entrepreneurs are able to gain access to resources nationwide with the knowledge that the SBA stands behind these tools and services. This combination is a powerful one for small businesses, and it is the reason we need to extend these programs, and for other purposes.

In the House, we have passed 14 bills since the beginning of the 111th Congress. However, because we have not completed work on the Senate on these matters, we must extend the SBA's programs. This legislation will take care of these programs operating. We cannot afford any of these services to lapse just as our recovery is getting off the ground.

I urge my colleagues to vote "yes," and I reserve the balance of my time.

Mr. CASSIDY. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of the chairwoman's request to suspend the rules and pass S. 3839. The legislation provides a 4-month extension of all of these Small Business Administration's programs until January 31, 2011. This is a necessary measure as the extension we passed last July expires September 30.

America's small businesses are struggling in this tough economy. Employers are having a tough time accurately predicting costs and revenues, making them hesitant to hire new workers or to take steps to expand their businesses.

It is time to show our small business owners that we recognize and support the essential roles that they play in our economy. We can do so by approving this temporary extension of SBA programs, and then we must continue our work by crafting and implementing a more thoughtful and complete reauthorization of these critical programs.

Again, I support the chairwoman's request to pass S. 3839, and I urge all Members to vote for the measure.

I yield back the balance of my time.

Ms. VELÁZQUEZ. I yield back the balance of my time.

THE SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. VELÁZQUEZ) that the House suspend the rules and pass the bill, S. 3839.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECOGNIZING THE NATIONAL WATERWAYS CONFERENCE ON ITS 50TH ANNIVERSARY

Mr. SCHAUER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1639) recognizing the contributions of the National Waterways Conference on the occasion of its 50th anniversary, and for other purposes.

The Chair recognizes the title of the resolution.

The text of the resolution is as follows:

H. Res. 1639

Whereas the Corps of Engineers (Corps) is the Nation's premier water resources agency, charged by the Congress with responsibility over its 3 principal mission areas of navigation, flood damage reduction, and environmental restoration; Whereas the Corps is responsible for the maintenance of more than 11,500 miles of channels in 41 States for commercial navigation, the operation of locks at 230 individual sites, the maintenance of over 300 deep-draft commercial harbors and over 600 shallow-draft coastal, and inland harbors, and the maintenance of over 8,500 miles of flood damage reduction structures, including levees; Whereas the vast array of navigation and flood damage reduction infrastructure is important to the security and vitality of the Nation's economy and overall prosperity; Whereas the Corps' environmental restoration mission seeks to achieve environmental sustainability, to promote balance and synergies among human development activities and natural systems, and to maintain a healthy, diverse, and sustainable condition necessary to support life; Whereas the authorization for critical navigation, flood damage reduction environmental restoration, and other water-related projects and studies carried out by the Corps is typically included in a water resources development act; Whereas throughout the Corps' history, water resources development acts have provided the Corps with the authority to carry out nationally significant projects that have improved the economic prosperity of the Nation, have protected its citizenry from the threat of flooding and coastal storms, and have laid the foundation for successful restoration efforts for many of the Nation's national treasures; Whereas it is the tradition of the House of Representatives to ensure that future water resources development act in every Congress to address current and future needs for water-related projects and policy changes, including the historic override of a Presidential veto of the Water Resources Development Act of 2007 (Public Law 110–114); Whereas continued and increased investment in the Nation's water-related infrastructure is essential for meeting the critical navigational, flood damage reduction, environmental restoration, and other water-related needs of the Nation, and should continue as well; and Whereas the National Waterways Conference was established in 1960 to advocate before the Congress for "common-sense water resources policies that maximize the economic and environmental value" of the Nation's inland, coastal, and Great Lakes waterways; Whereas the Conference supports continued congressional attention in meeting the Nation's water-related needs including navigational, flood damage reduction and risk management, and environmental protection and
Mr. Speaker, I rise today to honor the National Waterways Conference on their 50th anniversary.

The United States Army Corps of Engineers operates and maintains more than 12,000 miles of commercial inland channels—12,000 miles. The Corps of Engineers is the nation's waterways leading to 926 coastal, Great Lakes and inland harbors, which are things that we take for granted every single day regarding our economy. So I am actually pleased to be here today, speaking on behalf of the House, and again, of this 50th anniversary.

Ms. EDDIE BERNICE JOHNSON of Texas.

Mr. Speaker, this resolution recognizes the 50th anniversary of the National Waterways Conference—an organization founded as a national advocate for effective policy and robust funding to meet our Nation’s water-related infrastructure needs. I commend the gentleman from Illinois (Mr. HARE) for introducing this resolution.

This resolution recognizes the valuable work of the National Waterways Conference, and congratulates them on marking 50 years of effective advocacy for meeting the Nation’s water-related infrastructure challenges.

Mr. Speaker, as the Chairman of the Committee on Transportation and Infrastructure, I applaud Mr. HARE of Illinois, the sponsor of this legislation, for introducing this resolution and for his advocacy for meeting the Nation’s water-related infrastructure needs. I commend the gentleman from Illinois (Mr. HARE) for introducing this resolution and for his advocacy for meeting the Nation’s water-related infrastructure needs.

In that light, I applaud the Congress for its support of the Recovery Act, and its appropriation of $4.6 billion for the Corps to address major water resource challenges. This investment, of which, as of August 31, over 93 percent has been obligated, has allowed the Corps to address much of the critical backlog of projects for water-related policy needs. I commend the gentleman from Illinois (Mr. HARE) for introducing this resolution and for his advocacy for meeting the Nation’s water-related infrastructure needs.

Again, I congratulate the National Waterways Conference on the occasion of its 50th anniversary, and urge my colleagues to join me in support of this resolution.

Mr. Speaker, I rise today in support of H. Res. 1639, a resolution recognizing the 50th anniversary of the founding of the National Waterways Conference. I applaud the gentleman from Illinois (Mr. HARE) for introducing this resolution and for his advocacy for meeting the Nation’s water-related infrastructure needs.

Once again, I congratulate the National Waterways Conference on the occasion of its 50th anniversary, and urge my colleagues to join me in support of this resolution.

Mr. Speaker, the National Waterways Conference was established in 1960 to advocate before Congress for “common-sense water resources policies that maximize the economic and environmental value” of the nation’s inland, coastal, and Great Lakes waterways.

Investment in our water-related infrastructure should be one of those areas where we can come together as a nation—to meet the ever-growing challenges facing our Nation. As in the past, with the historic override of the Presidential veto of the Water Resources Development Act of 2007, which was approved by the Committee before the August District Work Period.

Similarly, I join my colleagues in commending the work of the National Waterways Conference in the furtherance of our efforts to move water resources bills on a biennial basis. Throughout its 50-year history, the Conference has been an effective National advocate for water resources policy and law, as well as a strong supporter for robust funding of the authorities for the Corps of Engineers.

The SPEAKER pro tempore. Is there objection to the gentleman from Michigan (Mr. SCHAUER) and the gentleman from Florida (Mr. MARIO DIAZ-BALART) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. SCHAUER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on House Resolution 1639.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SCHAUER. I yield myself such time as I may consume.

Mr. Speaker, I reserve the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. I yield myself such time as I may consume.

Mr. Speaker, I rise today to honor the National Waterways Conference on their 50th anniversary.

The United States Army Corps of Engineers operates and maintains more than 12,000 miles of commercial inland channels—12,000 miles. The Corps of Engineers is the nation's waterways leading to 926 coastal, Great Lakes and inland harbors, which are things that we take for granted every single day regarding our economy. So I am actually pleased to be here today, speaking on behalf of the House, and again, of this 50th anniversary.

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Mr. Speaker, I rise today in support of H. Res. 1639, a resolution recognizing the 50th anniversary of the founding of the National Waterways Conference. I applaud the gentleman from Illinois (Mr. HARE) for introducing this resolution and for his advocating the recognition of this auspicious anniversary of the Conference.

Mr. Speaker, the National Waterways Conference was established in 1960 to advocate before Congress for “common-sense water resources policies that maximize the economic and environmental value” of the nation’s inland, coastal, and Great Lakes waterways.

Investment in our water-related infrastructure should be one of those areas where we can come together as a nation—to meet the ever-growing challenges facing our Nation. As in the past, with the historic override of the Presidential veto of the Water Resources Development Act of 2007, which was approved by the Committee before the August District Work Period.

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The Chair recognizes the gentleman from Michigan.

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Mr. SCHAUER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on House Resolution 1639.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SCHAUER. I yield myself such time as I may consume.

Mr. Speaker, I reserve the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. I yield myself such time as I may consume.

Mr. Speaker, I rise today to honor the National Waterways Conference on their 50th anniversary.

The United States Army Corps of Engineers operates and maintains more than 12,000 miles of commercial inland channels—12,000 miles. The Corps of Engineers is the nation's waterways leading to 926 coastal, Great Lakes and inland harbors, which are things that we take for granted every single day regarding our economy. So I am actually pleased to be here today, speaking on behalf of the House, and again, of this 50th anniversary.

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Again, I congratulate the National Waterways Conference on the occasion of its 50th anniversary, and urge my colleagues to join me in support of this resolution.

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Mr. Speaker, the National Waterways Conference was established in 1960 to advocate before Congress for “common-sense water resources policies that maximize the economic and environmental value” of the nation’s inland, coastal, and Great Lakes waterways.

Investment in our water-related infrastructure should be one of those areas where we can come together as a nation—to meet the ever-growing challenges facing our Nation. As in the past, with the historic override of the Presidential veto of the Water Resources Development Act of 2007, which was approved by the Committee before the August District Work Period.

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The SPEAKER pro tempore. Is there objection to the gentleman from Michigan (Mr. SCHAUER) and the gentleman from Florida (Mr. MARIO DIAZ-BALART) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. SCHAUER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on House Resolution 1639.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SCHAUER. I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1639 recognizes the contributions of the National Waterways Conference as it celebrates its 50th anniversary.

I applaud Mr. HARE of Illinois, the sponsor of this legislation, for introducing this resolution, and I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. I yield myself such time as I may consume.
Throughout its history, the Conference has been a vocal supporter for continued Congressional attention in meeting the nation’s water-related needs, including navigation, flood damage reduction, environmental restoration, hydroelectric power, recreation, and other needs.

The Conference is guided by its purpose of promoting better understanding of the public value of the American waterways system, and to document the importance of far-sighted navigation and water resources policies to a sound economy, industrial and agricultural productivity, regional development, environmental quality, energy conservation, international trade, defense preparedness, and the overall national interest.

The Committee on Transportation and Infrastructure understands the importance of the nation’s waterways in preserving both the economic and environmental health and prosperity of the nation. Water is our common heritage. America’s greatest population centers are cities because they have ports. Seventy-five percent of the nation’s population lives along the water, either on the coasts or in the inland waterways. Despite the relative scarceness of potable water supplies, generations of Americans have taken water for granted. For most Americans, the only time to think about water is when there is too much or not enough. Today, our nation and the world face significant water resources challenges; yet, there are clear signs that water-use is not being properly used or planned at home or throughout the world.

For over a century, the U.S. Army Corps of Engineers (Corps) has served our nation well in investigating and addressing our most critical water resources challenges. Whether it is the construction and maintenance of our coastal and inland navigation systems, protecting the lives and livelihoods of our constituents from flooding or coastal storms, or restoring some of the nation’s greatest natural treasures, such as Yellowstone National Park or the Everglades, the nation has relied on its premier water-resources related agency, the Corps, to meet its current and future challenges.

The Committee on Transportation and Infrastructure, is a vital partner to that effort. It is through the periodic enactment of a water resources development act that Congress provides direction to the Corps to meet both the current and future water resources challenges of the nation, including authorizing critical navigation, flood damage reduction, environmental restoration projects, and studies carried out by the Corps.

Following the successful enactment of the Water Resources Development Act of 2007 (P.L. 110–114), the Democratic and Republican leadership of the Committee on Transportation and Infrastructure committed to enactment of a water resources development act every Congress.

Throughout its history, these water resources development acts have provided the Corps with the authority to carry out nationally significant projects that have improved the economic prosperity of the nation, have protected its citizenry from the threat of flooding and coastal storms, and have put in place restoration efforts for many of America’s natural treasures.

Throughout this effort, the National Waterways Conference has been a vocal advocate for regular authorization of water resources development acts. In the view of the Conference, regular consideration of such laws, such as that taken by our Committee in support of H.R. 5892, the “Water Resources Development Act of 2010”, is “essential to the nation’s environmental well-being and our economic vitality.” I applaud the critical role that the Conference has played in the formation of water resources laws, and commend them for bringing the often-competitive views of the various waterways users to the forefront of the debate on nationally significant water resources policies.

I also commend the Conference for its vocal support for funding of the Corps of Engineers in the American Recovery and Reinvestment Act (P.L. 111–5). Under the Recovery Act, Congress provided $4.6 billion to the Corps to address both a significant portion of its backlog of operation and maintenance needs, as well as plan and begin construction of the next-generation of water-related infrastructure.

According to the Corps, as of August 31, more than 92 percent of the $4.6 billion is already spent or committed by the Corps and the remaining $439 million dollars is likely to be obligated by the end of the fiscal year. By almost all accounts, this investment of $4.6 billion has been a huge success in meeting the water-related infrastructure needs of the nation. I applaud the foresight of the National Waterways Conference in its advocacy for this effort.

Mr. Speaker, I commend the Conference for its commitment to meeting the water-resources-related challenges of the nation, and for marking its 50th anniversary.

I urge my colleagues to join me in supporting H. Res. 1639.

Mr. HARE. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the 50th anniversary of the National Waterways Conference.

I would like to begin by thanking Chairman Jim Oberstar of the Transportation and Infrastructure Committee for his support of the National Waterways Conference.

I am proud to have introduced H. Res. 1639 because the National Waterways Conference has worked tirelessly since 1960 in educating the public and elected officials about the importance of our nation’s inland waterways system. The Conference reaches all corners of inland waterways, the Great Lakes, and coastal stakeholders because it consists of a diverse group of professionals who all work toward a common goal: utilizing the waterways in an efficient and responsible manner, while being accountable to the environment in and around our waters.

The Conference has also worked closely with the U.S. Army Corps of Engineers in planning valuable economic and environmental water-based projects in nearly every geographic region of the U.S. and territories. For example, in the 17th District of Illinois, the Sny Island Levee District and the Upper Mississippi, Illinois and Missouri Rivers Association have for years worked to ensure that Congress does not forget about the catastrophic flooding in the Midwest, and they have advocated for maximizing urgently needed flood protection and flood control. The Corps in turn have supported environmental concerns by crafting a plan for protecting the Upper Mississippi River Valley communities. The Conference and Corps complement each other extremely well.

In addition to recognizing and commending the Conference, the resolution recognizes the solid commitment and excellent work done by the Corps of Engineers—the nation’s premier waterways infrastructure operators, designers and builders. The Corps is responsible for waterways navigation, flood damage reduction, and builders. The Corps is responsible for waterways navigation, flood damage reduction, and the recovery of the nation’s coastal and inland navigation systems, providing direction to the Corps to meet both the current and future challenges to those systems.

The Conference continues to work with the Congress, the Corps’ Civil Works Division, and local communities because of its expertise in planning for a sound economy, industrial and agricultural productivity, regional development, environmental quality, energy conservation, international trade, and national defense preparedness.

Mr. Speaker, I know the National Waterways Conference will have another successful 50 years advocating for improvements to our nation’s water infrastructure. I would like to thank the National Waterways Conference for all of their hard work, and I wish them the best of luck in their next chapter.

I urge all of my colleagues to support passage of this bill.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. SCHAUER. Mr. Speaker, I yield back the balance of my time.

SPeAKER. The question is on the motion offered by the gentleman from Michigan (Mr. SCHAUER) that the House suspend the rules and agree to the resolution, H. Res. 1639.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

WINSTON E. ARNOW FEDERAL BUILDING

Mr. SCHAUER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4387) to designate the Federal building located at 100 North Palafox Street in Pensacola, Florida, as the “Winston E. Arnow Federal Building”. The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4387

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building located at 100 North Palafox Street in Pensacola, Florida, shall be known and designated as the “Winston E. Arnow Federal Building”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the “Winston E. Arnow Federal Building”.

This SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. SCHAUER) and the gentleman from Florida (Mr. MARIO DIAZ-BALART) each will control 20 minutes.
The Chair recognizes the gentleman from Michigan.

Mr. SCHAUER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 4387.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SCHAUER. Mr. Speaker, I yield myself such time as I may consume.

I urge the adoption of this resolution, and I reserve the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. I yield myself such time as I may consume.

Mr. Speaker, I would like to take this opportunity to thank Congressman MILLER of Florida for his leadership and hard work on this bill to correct the designation of this building, which was named after Judge Arnow.

Now, we could say so much about the judge, but Mr. Speaker, I would just like to highlight one part of his career, which is something I try to do whenever possible whenever anybody serves in the Armed Forces of the United States of America. I think, as much as his record is meritorious, it is something I always like to highlight.

Judge Arnow was in the private practice of law, but he also served as a U.S. Army major in the JAG Corps during World War II and served as a municipal judge in Gainesville, Florida. Again, I could go on and on, but I always try to highlight when someone has a military career in order to make sure that it is something we will never forget.

Mr. MCMORRIS RODGERS. Madam Speaker, I rise in support of H.R. 5591, a bill to designate the Federal building located at 100 North Palasfox Street in Pensacola, Florida, as the “Winston E. Arnow Federal Building”.

Winston Eugene Arnow was an American lawyer and judge of the United States District Court for the Northern District of Florida. He practiced civil rights law in Gainesville before he was appointed to the Federal bench by President Johnson. His name is now synonymous with the momentous civil rights period from 1969 to 1978 in Northwest Florida when he followed the U.S. Supreme Court mandates to ensure the election of African Americans, public school desegregation, and improved prison conditions in the Escambia County jail. Judge Arnow served as the chief judge of the Northern District of Florida, stretching from Pensacola to Gainesville, from 1969 until 1981. In 1969, Arnow ordered the Escambia County School District desegregated. In 1972, he presided over the trial of the Gainesville Eight, a group of anti-Vietnam War activists who were indicted on charges of conspiracy to disrupt the 1972 Republican National Convention in Miami Beach, Florida. All eight were acquitted.

Judicial authorities and officials viewed Judge Arnow as “all integrity,” ignoring criticism by doing what he thought was the right and proper thing to do to protect civil liberties. He believed firmly in the U.S. Constitution and followed the statutes and higher court decisions to the letter. Judge Arnow was a man of strong moral character, and conducted his court proceedings based on fairness and courtesy. He was a courageous trial judge and dedicated public servant. It is both fitting and proper that we honor his public service with this designation.

I urge my colleagues to join me in supporting H.R. 4387.

Mr. MARIO DIAZ-BALART of Florida. I yield back the balance of my time.

Mr. SCHAUER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. SCHAUER) that the House suspend the rules and pass the bill, H.R. 4387.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RAY DAVES AIR TRAFFIC CONTROL TOWER

Mr. SCHAUER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5591) to designate the facility of the Federal Aviation Administration located at Spokane International Airport in Spokane, Washington, as the “Ray Daves Air Traffic Control Tower,” as amended.

The Clerk read the title of the bill. The text of the bill is as follows:

H.R. 5591
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. DESIGNATION.
The airport traffic control tower located at Spokane International Airport in Spokane, Washington, and any successor airport traffic control tower at that location, shall be known and designated as the “Ray Daves Air Traffic Control Tower.”

SECTION 2. REFERENCES.
Any reference in a law, map, regulation, document, paper, or other record of the United States to the airport traffic control tower referred to in section 1 shall be deemed to be a reference to the “Ray Daves Air Traffic Control Tower.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. SCHAUER) and the gentleman from Florida (Mr. MARIO DIAZ-BALART) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. SCHAUER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 5591.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SCHAUER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support H.R. 5591, and I urge my colleagues to join me in supporting H.R. 5591, introduced by my colleague from Washington, Representative MCMORRIS RODGERS, which designates the airport traffic control tower located at Spokane International Airport in Spokane, Washington, as the “Ray Daves Air Traffic Control Tower.”

The air traffic controllers in Spokane, Washington, were so inspired by the biography of Ray Daves, a World War II radioman and civilian air traffic controller, that they began urging to have the airport traffic control tower where he had worked named after him.

Ray Daves was a radioman for the U.S. Navy during World War II. He survived the bombing of Pearl Harbor. During the attack, he carried ammunition to a machine gun on the deck of a U.S. Pacific Fleet Headquarters on Oahu, Hawaii. Later, Daves volunteered for service aboard the USS Yorktown aircraft carrier, where he was assigned to the emergency radio room. He was present during the Battle of the Coral Sea and the sinking of Yorktown during the Battle of Midway in 1942.

During the rest of World War II, Daves served his country in Alaska as a radioman at Cold Bay, Alaska, for the U.S. Navy’s air fields in the Aleutian Islands and flew “second seat” as gunner for aerial search-and-destroy missions against Japanese submarines in Alaskan waters. He also served as a liaison for the Soviet Air Force pilots who acquired U.S. bombers and lighter planes for the war in Europe. Daves taught at the Navy’s school for radiomen in Gulfport, Mississippi, from 1945 until the end of the war.

When the war was over, Daves became a civilian air traffic controller at Geiger Field, later known as the Spokane International Airport in Spokane, Washington. He worked as an air traffic controller there for almost 30 years (from 1946 to 1974). Currently, Daves volunteers by educating other veterans about the Honor Flight program, which helps World War II veterans visit the memorial in their honor located in Washington, D.C.

I urge my colleagues to join me in supporting H.R. 5591.

Mrs. MCMORRIS RODGERS. Mr. Speaker, I rise today in strong support of H.R. 5591, to designate the Federal Aviation Administration facility at the Spokane International Airport in Spokane, Washington, as the “Ray Daves Air Traffic Control Tower.” I thank Chairman OBERSTAR and Ranking Member MICA for bringing the bill to the floor today.

As the sponsor of this bill, it is with great pride I stand here today. Ray Daves is a Purple Heart recipient and Pearl Harbor survivor who served our nation aboard the USS Yorktown throughout the Pacific during World War II.
While Ray’s military service alone warrants this dedication, his commitment to his country and community since leaving the military justifies it as well. For the last 65 years, Ray has made Spokane his home—first working as an air traffic controller and still to this day volunteering his time to educate others about the Honor Flight Program for World War II veterans.

This recognition not only commemorates Ray’s sacrifices and accomplishments, but also those made by the greatest generation, whose sacrifices to our country will never be forgotten. I urge all of my colleagues to support H.R. 5591 and join me in thanking Ray Daves and those like him for his life of service.

Mr. MARIO DIAZ-BALART of Florida. I yield back the balance of my time.

Mr. SCHAUER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question was taken; and (two-thirds being in the affirmative) the following:

"§ 60138. Telephonic notice of certain incidents.

(a) IN GENERAL.—An owner or operator of a pipeline facility shall provide immediate telephonic notice of—

(1) a release of hazardous liquid or an hazardous material;

(2) a release of gas resulting in an incident for which notice is required under section 191.3 of such title.

(b) GUIDANCE.—Not later than 60 days after the date of enactment of this Act, the Secretary shall issue guidance to clarify the meaning of the term “discovery” as used in section 603(b) of title 49, United States Code, as added by subsection (a) of this section.

The SPEAKER pro tempore. Is there objection to the passage of the bill? There was no objection.

The bill was passed by the Yeas and Nays: Yeas 257, Nays 0;卷尾页: 2,354.

Mr. SCHAUER. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous matter on H.R. 6008.

The Chair recognizes the gentleman from Michigan. Mr. SCHAUER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to review and extend their remarks and to include extraneous matter on H.R. 6008.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SCHAUER. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, after the BP Deepwater Horizon oil spill, I never could have imagined that my community too could have been impacted by such an oil spill, but it happened.

On July 26, 2010, Enbridge Energy Partners reported a ruptured pipeline that spilled an estimated 1 million gallons of heavy Canadian crude oil into Talmadge Creek south of Marshall, Michigan, in my district. Oil-covered wildlife, a river and creek flowing black with oil for miles, and citizens and entire families—these were all images from this oil spill that my constituents will not soon forget.

According to the National Transportation Safety Board, on Sunday, July 25, 2010, at 5:58 p.m., alarms began sounding in Enbridge Energy Partner’s control room in Edmonton, Alberta, Canada, on Line 6B of Enbridge’s Lakehead Pipeline. For more than 13 hours, alarms continued in Enbridge’s time Enbridge and PG&E waited to report what was wrong with their 6B pipeline until 11:18 a.m. the following day when another company’s technician reported to Enbridge that there was oil in Talmadge Creek. The leak was confirmed by Enbridge personnel at 11:35 a.m. on July 26, and they began laying boom immediately but did not report the spill until 12:29 p.m., nearly 2 hours later, to the National Response Center.

On August 13, 2010, the San Bruno, California, the tragic PG&E rupture, took the lives of four people—three more are still missing—injured numerous others, destroyed 37 homes and damaged 11 others. This occurred at 6:11 p.m. on September 9, 2010. It wasn’t reported to the National Response Center until 11:35 p.m., over 5 hours later.

When public’s safety and health are at risk, every second counts. In the time Enbridge and PG&E waited to report these spills, Federal agencies and government emergency responders could have been en route or at the sites to help.

Congress directed that “a pipeline facility shall provide immediate telephonic notice of a release of hazardous liquid.” In 2002, the Pipeline and Hazardous Materials Safety Administration’s predecessor determined “immediately” to be defined as between 1 and 2 hours after discovery. Congress said a reportable spill incident needs to be reported immediately. Five hours is not immediately. Two hours is not even immediately.

My bipartisan bill, H.R. 6008, the Corporate Liability and Emergency Accident Notification Act, or “CLEAN Act,” clarifies the congressional intent of the term “immediately” in reporting a spill incident to the National Response Center and defines “immediately” to be no more than 1 hour after the discovery of an incident. My bill also increases penalties for any violation of a Federal pipeline safety regulation, including failure to report a spill incident in a timely manner. Additionally, the CLEAN Act seeks to increase transparency by directing the U.S. Department of Transportation to create a...
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searchable public database of all reportable hazardous liquids incidents. I urge Members to support H.R. 6008, the CLEAN Act, to hold companies accountable to reporting spill releases “immediately,” as Congress intended, and to put emergency spill releases into the public. With the proper spill reporting standards, we can work toward preventing devastating spills in the future for safety and protection of our communities and our environment.

Mr. Speaker, I reserve the balance of my time.

Mr. LOBIONDO. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from Michigan has adequately described the critical importance of this bill on pipeline safety. We support this bill.

H.R. 6008—the Corporate Liability and Emergency Accident Notification Act—makes three changes to the Federal pipeline safety law.

The bill requires that the Department of Transportation maintain a database on its website of all reportable pipeline incidents and make the database available to the public.

The bill also increases the civil liability caps for violations of pipeline safety laws.

H.R. 6008 also requires that pipeline operators notify the National Response Center not later than 1 hour after the discovery of a release of natural gas or hazardous liquids. Pipeline operators are currently required to notify the NRC not later than 2 hours after the discovery of a release.

The Federal pipeline safety programs are set to expire in one week. Recent pipeline accidents in San Bruno, California; Romeoville, Illinois; and Marshall, Michigan have brought pipeline safety to the forefront. While this bill addresses some of the issues that should be addressed in a comprehensive pipeline safety reauthorization bill, it does not address all of them.

I hope that Congress considers a comprehensive pipeline safety reauthorization bill that addresses all of the relevant pipeline safety issues in the very near future.

Mr. Speaker, I urge all of my colleagues to support this resolution.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H.R. 6008, as amended, the “Corporate Liability and Emergency Accident Notification Act,” introduced by the gentleman from Michigan (Mr. SCHAUER).

Last week, the Committee on Transportation and Infrastructure held a hearing on the rupture of Enbridge’s Line 6B pipeline, which released more than one million gallons of crude oil into Talmadge Creek and the Kalamazoo River just one mile south of Marshall, Michigan. The Kalamazoo River flows into Lake Michigan. The spill devastated the local environment and wildlife, uprooted homeowners that live near the creek and river, and exposed local communities to noxious and toxic substances before Enbridge even raised alarm.

I recall vividly in 1986, as Congress prepared for reauthorization of the pipeline safety program, a massive rupture that occurred on the Williams Pipe Line in Mounds View, Minnesota. Corrosion was the culprit. Unleaded gasoline flowed for 7.5 miles, poisoning a 7.5-mile long opening along the longitudinal seam of the pipe. Gasoline vapors combined with air and liquid gasoline flowed along neighborhood streets for about an hour and a half—until the manually operated gate valve was shut off. About 30 minutes into the release, the gasoline vapor was ignited when a car entered the area, its loose tailpipe struck the pavement, sparked and ignited the vapor. An inferno engulfed a 16-year-old and killed a 9-year-old. A woman and her daughter were burned severely when the fireball rolled over them, later taking their lives. Another person suffered serious burns.

I have talked about that incident during debates on every pipeline safety bill that has come before this House because I will never forget where he was when he learned of the Enbridge spill in Marshall, Michigan. Nor will Congressman RICK LARSEN ever blot out the memory of the gasoline spill in a creek that flowed through Whatcom Falls Park in Bellingham, Washington, that claimed the lives of two 10-year-old boys and a young man of 18 celebrating his high school graduation by fishing in that creek.

While we do not yet know the cause of the Michigan incident, we do know that the spill likely occurred sometime the day before Enbridge reported it to the National Response Center. When I questioned the Enbridge’s claims at our hearing, the Enbridge control center did not even realize that a massive rupture had occurred on the pipeline until a utility worker from an unrelated company, Consumers Energy, called Enbridge to report that it was leaking.

We know that Enbridge personnel at the control center experienced an abrupt pressure drop on the line, that they experienced multiple volume balance alarms over the course of 13 hours before sending a technician to the pump station, located just three-quarters of a mile from the rupture. We know that Enbridge reported that the technician did not see any problems or smell any odors at the pump station, even though numerous residents in the immediate vicinity of the pump station (and others living near every) reported to Committee staff that they smelled strong odors the day before.

We also know that Enbridge knew about hundreds of defects in the line, and we know that the Pipeline and Hazardous Materials Safety Administration was made aware of them and failed to do anything to address Enbridge’s inaction.

The bill before you today holds pipeline operators accountable to a maximum of one hour to telephonically report a release of hazardous liquid or gas resulting in an incident. As I mentioned earlier this month in Romeoville, Illinois and San Bruno, California, the episodes vividly illustrate the urgent need for action.

In addition, H.R. 6008 instructs the Secretary of Transportation to maintain an online database on the Department of Transportation website, which will record all reportable releases involving gas or hazardous liquid pipelines. The public will be able to view and search the database for incidents by pipeline facility owner or operator. This bill also increases the maximum civil penalties per violation and incident to further dissuade such incidents from occurring. These important measures will strive to decrease the response time, the damage, and the obstruction of an investigation.

I am particularly concerned by reports of pipeline spills and explosions because my district, the 37th Congressional District of California, contains over 643 total pipeline miles in the National Pipeline Mapping System. More than 558 of these miles are hazardous liquid pipelines. The map of pipelines in my district looks like a spaghetti bowl with pipelines crossing in every direction. Not a single one of my constituents can possibly live more than a mile or so away from a pipeline carrying hazardous material. Unfortunately, from 2000 to 2008, there have been 21 incidents in my district significant enough to be reported to the DOT’s Pipelines and Hazardous Materials Safety Administration.
The new notification requirements imposed by H.R. 6008 will help decrease the time required to respond to pipeline leaks, thereby lessening the damage caused by such leaks. Moreover, the increased penalties for violations of Federal pipeline safety laws will provide incentives for pipeline owners and operators to follow guidelines and aid responsibility. All in all, this is a very good bill and I strongly support it.

I urge my colleagues to join me in supporting H.R. 6008.

Mr. SCHAUER. Mr. Speaker, I yield back the balance of my time.

Mr. GOHDER. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. SCHAUER) that the House suspend the rules and pass the bill, H.R. 6008, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, H.R. 6008, as amended, was passed.

The title was amended so as to read: "A bill to ensure telephonic notice of certain incidents involving hazardous liquid and gas pipeline facilities, and for other purposes."

A motion to reconsider was laid on the table.

NATIONAL TRANSPORTATION SAFETY BOARD REAUTHORIZATION ACT OF 2010

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4714) to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2011 through 2014, and for other purposes, as amended.

Mr. SCHAUER. Mr. Speaker, I yield back the balance of my time.

The Clerk read the title of the bill.

The text of the bill was as follows:

H.R. 4714

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE—This Act may be cited as the "National Transportation Safety Board Reauthorization Act of 2010".

(b) TABLE OF CONTENTS—

1. Short title; table of contents.
3. Definitions.
4. General organization.
5. Administrative.
7. Training.
8. Reports and studies.
10. Accident investigation authority.
11. Marine casualty investigations.
12. Inspections and autopsies.
13. Discovery and use of cockpit and surface vehicle recordings.
14. Family assistance.
15. Notification of marine casualties.
16. Use of board name, logo, initials, and seal.

SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise specifically provided, whenever in this Act an amendment or re-

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peal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. DEFINITIONS.

Section 1101 is amended to read as follows:

"§1101. Definitions

"(a) ACCIDENT DEFINED.—In this chapter, the term 'accident'—

"(1) means an event associated with the operation of a vehicle, aircraft, or pipeline, which results in damage to or destruction of the vehicle, aircraft, or pipeline, or which results in the death of or serious injury to a person, regardless of whether the initiating event is accidental or otherwise; and

"(2) may include an incident that does not involve destruction or damage of a vehicle, aircraft, or pipeline, but affects transportation safety, as the Board prescribes by regulation.

"(b) APPLICABILITY OF DEFINITIONS IN OTHER LAWS.—The definitions contained in section 2101(17a) of title 46 and section 40102(a) of this title apply to this chapter.

"SEC. 4. GENERAL AUTHORITY.

The last sentence of section 1111(d) is amended by striking "absent" and inserting "unavailable".

SEC. 5. ADMINISTRATIVE.

(a) GENERAL AUTHORITY.—Section 1113(a) is amended—

(1) in paragraph (1)—

(A) by inserting "and depositions" after "hearings"; and

(B) by striking "subpoena" and inserting "subpoena"; and

(2) in paragraph (2) by inserting before the first sentence the following: "In the interest of promoting transportation safety, the Board shall have the authority by subpoena to summon witnesses and obtain evidence relevant to an investigation conducted under this chapter.

"(b) ADDITIONAL POWERS.—

(1) AUTHORITY OF BOARD TO ENTER INTO CONTRACTS AND OTHER AGREEMENTS WITH NONPROFIT ENTITIES.—Section 1113(b)(1)(B) is amended by inserting "and other agreements" after "contracts".

(2) AUTHORITY OF BOARD TO ENTER INTO AND PERFORM CONTRACTS, AGREEMENTS, LEASES, OR OTHER TRANSACTIONS.—Section 1113(b) is amended—

(A) by striking paragraph (1)(I) and inserting the following:

"(1) negotiate, enter into, and perform contracts, agreements, leases, or other transactions with individuals, private entities, Federal department, agencies, and instrumentalities of the Government, State and local governments, and governments of foreign countries on such terms and conditions as the Chair of the Board considers appropriate to carry out the functions of the Board and require that such entities provide appropriate consideration for the reasonable costs of any facilities, goods, services, or training provided by the Board.

(B) by adding at the end the following:

"(3) LEASE LIMITATION.—The authority of the Board to enter into leases shall be limited to the provision of special use space related to an accident investigation, or for general use space, at a reasonable average rental cost of not more than $300,000 for any individual property.

"(3) AUTHORITY OF OTHER FEDERAL AGENCIES.—Section 1113(b)(2) is amended to read as follows:

"(2) AUTHORITY OF OTHER FEDERAL AGENCIES.—Notwithstanding any other provision of law, the head of a Federal department, agency, or instrumentality may transfer to or receive from the Board, with or without reimbursement, supplies, personnel, services, and equipment (other than administrative supplies and equipment)."

"(c) CRITERIA ON PUBLIC HEARINGS.—

(1) IN GENERAL.—Section 1113 is amended by adding at the end the following:

"(b) PUBLIC HEARINGS.—

"(1) DEVELOPMENT OF CRITERIA.—The Board shall establish by regulation criteria to be used by the Board in determining, for each accident investigation and safety study undertaken by the Board, whether or not the Board will hold a public hearing on the investigation or study.

"(2) FACTORS.—In developing the criteria, the Board shall give priority consideration to the following factors:

"(A) Whether the accident has caused significant loss of life.

"(B) Whether the accident has caused significant property damage.

"(C) Whether the accident may involve a national transportation safety issue.

"(D) Whether a public hearing may provide needed information to the Board.

"(E) Whether a public hearing may offer an opportunity to educate the public on a safety issue.

"(F) Whether a public hearing may increase the transparency of the Board's investigative process and public confidence in such process is comprehensive, accurate, and unbiased.

"(G) Whether a public hearing is likely to significantly delay the conclusion of an investigation and whether the possible adverse effects of the delay on safety outweigh the benefits of a public hearing.

"(2) ANNUAL REPORT.—Section 1117 is amended—

(A) by striking "and" at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting "; and"

and

"(C) by adding at the end the following:

"(7) an analysis of the Board's implementation of the criteria established pursuant to section 1111(d) during the prior calendar year, including an explanation of any instance in which the Board did not hold a public hearing for an investigation of an accident that has caused significant property damage or that may involve a national transportation safety issue.

"(d) ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE.—Section 1113 is further amended by adding at the end the following:

"(1) ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE.—

"(A) AUTHORITY TO PROVIDE INSURANCE.—The Board may procure accidental death and dismemberment insurance for an employee of the Board who travels for an accident investigation or other activity of the Board outside the United States under hazardous circumstances, as defined by the Board.

"(B) CREDITING OF INSURANCE BENEFITS TO OFFSET UNITED STATES TORT LIABILITY.—Any amounts paid to a person under insurance coverage procured under this subsection shall be credited as offsetting any liability of the United States to pay damages to that person under section 3346(b) of title 28, chapter 171 of title 28, chapter 161 of title 10, or any other provision of law authorizing recovery based upon tort liability of the United States in connection with the injury or death resulting in the insurance payment.

"(C) TREATMENT OF INSURANCE BENEFITS.—Any amounts paid under insurance coverage procured under this subsection shall not be considered a face amount or allowances for purposes of section 5538 of title 5; or
(B) offset any benefits an employee may have as a result of government service, including compensation under chapter 81 of title 5.

(1) ENTITLEMENT TO OTHER INSURANCE.—Nothing in this subsection shall be construed as affecting the entitlement of an employee to insurance under section 670b of title 5.

SEC. 6. DISCLOSURE, AVAILABILITY, AND USE OF INFORMATION.

(a) TRADE SECRETS, COMMERCIAL INFORMATION, AND FINANCIAL INFORMATION.—Section 1114(b) is amended—

(1) by striking the subsection heading and inserting the following: “TRADE SECRETS, COMMERCIAL INFORMATION, AND FINANCIAL INFORMATION”;

(2) in paragraph (1) in the matter preceding subparagraph (A), by inserting “submitted to the Board in the course of a Board investigation or study and” after “information”; and

(b) by inserting “, or commercial or financial information if the information would otherwise be withheld under section 552(b)(4) of title 5,” after “title 5.”;

(3) in paragraph (2) by striking “paragraph (1)” and inserting “subparagraphs (A) through (C) of paragraph (1)”;

and

(c) by adding at the end the following:

“(4) ANNOTATION OF CONTROLLED INFORMATION.—Each person submitting to the Board trade secrets, commercial information, financial information, or financial information that could be classified as controlled under the International Traffic in Arms Regulations shall appropriately annotate the information to indicate the restricted nature of the information in order to facilitate proper handling of such materials by the Board. In this paragraph, the term “International Traffic in Arms Regulations” means those regulations contained in parts 120 through 130 of title 22, Code of Federal Regulations (or any successional regulations).

“(5) DISCLOSURES TO PROTECT PUBLIC HEALTH AND SAFETY.—Disclosures of information under paragraph (1)(D) may include disclosures through accident investigation reports, safety studies, and safety recommendations.”

(b) SURFACE VEHICLE RECORDINGS AND TRANSCRIPTS.—The second sentence of section 1114(d)(1) is amended by striking “that” after “information.”

(c) VESSEL RECORDINGS AND TRANSCRIPTS.—Section 1114 is amended—

(1) in subsection (a)(1) by striking “and (f)” and inserting “(e)”; and

(2) in subsection (d)(1) by striking “or vessel”;

(3) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(4) by inserting after subsection (d) the following:

“(e) VESSEL RECORDINGS AND TRANSCRIPTS.—

“(1) CONFIDENTIALITY OF RECORDINGS AND TRANSCRIPTS.—The Board may not disclose publically any part of a vessel’s voice recorder recording or transcript of oral communications by or among the crew, pilots, or docking masters of a vessel, vessel traffic service controllers, or between the vessel’s crew and company communication centers, related to a marine casualty investigated by the Board. However, the Board shall disclose the recording or transcript or any written depiction of visual information or audiovisual information the Board decides is relevant to the marine casualty.”

“(2) REFERENCES TO INFORMATION IN MAKING SAFETY RECOMMENDATIONS.—This subsection does not prevent the Board from referring at any time to voice or video recorder information in making safety recommendations and

(d) FOREIGN INVESTIGATIONS.—Section 1114(g) (as redesignated by subsection (c)(3) of this section) is amended—

(1) in paragraph (1), by striking “shall” and inserting “may”;

and

(2) in paragraph (2) by inserting “, or other relevant information authorized for disclosure under this chapter,” after “information”.

(3) PARTY REPRESENTATIVES TO NTSB INVESTIGATIONS.—

(1) IN GENERAL.—Section 1114 is further amended by adding at the end the following: “(h) PARTY REPRESENTATIVES TO NTSB INVESTIGATIONS.—

“(1) PROHIBITION ON DISCLOSURE OF INFORMATION.—A party representative to an accident or marine casualty investigation of the Board is prohibited from disclosing, orally or in written form, investigative information, as defined by the Board, to anyone who is not an employee of the Board or who is not a party representative to such investigation, except—

“(A) as provided in paragraph (2); or

“(B) at the conclusion of the fact finding stage of an investigation, which the investigator-in-charge shall announce by formal posting of a notice to the publicly available investigation docket.

“(2) EXCEPTION.—If the investigator-in-charge determines that a disclosure of information related to an accident or marine casualty investigation is necessary to prevent additional accidents or marine casualties, to address a perceived safety deficiency, or to assist in the conduct of the investigation, the investigator-in-charge may at any time authorize in writing a party representative to disclose the same information under conditions approved by the investigator-in-charge. Such conditions shall ensure that, until the posting of a formal notice described in paragraph (1)(B), or until the information disclosed pursuant to this paragraph becomes publicly available by any other means, neither the entity represented by the party representative nor any other person may use or disclose such information in preparation for the prosecution of any claim or defense in litigation in connection with the accident or marine casualty, or to bring a civil action to make or deny any insurance claim in connection with such accident or marine casualty.

“(3) COMPLIANCE.—The Board shall require any individual or party representative to an investigation of the Board to sign a party agreement that includes language informing the individual of the prohibition in paragraph (1).

“(4) REPRESENTATIVES OF FEDERAL AGENCIES.—Paragraph (3) shall not apply to an individual who is a representative of the Secretary of the department in which the Coast Guard is operating, or any other Federal department, agency, or instrumentality participating in the investigation and deemed by the Board to be performing a law enforcement or similar function.

“(5) COMPLIANCE WITH FAA STATUTORY OBLIGATIONS.—Section 1114(g)(2)(D) prohibits the Federal Aviation Administration from fulfilling statutory obligations to ensure safe operations.

“(6) REPRESENTATIVE DEFINED.—In this subsection, the term ‘party representative’ means an individual representing a party to an investigation pursuant to section 871(b) of title 49, Federal Aviation Regulations, as in effect on the date of enactment of this subsection.”.

(2) CIVIL PENALTY.—Section 1116 is amended—

(1) in the section heading by striking “Aviation enforcement” and inserting “Enforcement”;

and

(2) by inserting “1114(b),” before “1132,” in each of subsections (a), (b)(1), and (c).

(3) CONFORMING AMENDMENT.—The analysis for chapter 11 is amended by striking the item relating to section 1115 and inserting the following:

“(1151. Enforcement.”

(4) GAO STUDY OF PARTY PROCESS.—

(1) IN GENERAL.—The Comptroller General shall conduct a study on the use of party representatives in investigations conducted by the National Transportation Safety Board.

(2) CONTENTS.—In carrying out the study, the Comptroller General shall examine, at a minimum—

(A) whether the composition of the party representatives should be broadened to include on-going representatives from other entities that could provide independent, technically qualified representatives to a Board investigation;

(B) whether the participation of party representatives in a Board investigation results in any unfair advantages for the entities represented by the party representatives while the Board is conducting the investigation;

(C) whether the use of party representatives leads to bias in the outcome of a Board investigation; and

(D) whether Board investigations would be compromised in any way absent the participation and expertise of party representatives.

(3) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study conducted under this subsection, including any recommendations for improvements in the Board’s use of the party representative process.

SEC. 7. TRAINING.

Section 1115(d) is amended—

(1) by inserting “theory and techniques and on transportation safety methods to address” before “Board safety recommendations” before the period at the end of the first sentence;

(2) by inserting “or who influence the course of transportation safety through support or adoption of Board safety recommendations” before the period at the end of the second sentence; and

(3) by inserting “under section 1118(c)(2)” before the period at the end of the third sentence.

SEC. 8. REPORTS AND STUDIES.

(a) STUDIES AND INVESTIGATIONS.—Section 1116(b) is amended—

(1) in paragraph (1) by striking “carry out” and inserting “conduct”; and

(2) by striking paragraph (3) and inserting the following:

“(3) prescribes requirements for persons reporting accidents, as defined in section 1110(a), that may be investigated by the Board under this chapter.”;

(b) URGENT SAFETY RECOMMENDATIONS AND DORMANT MEASURES.—Section 1116 is amended by adding at the end the following:

“(c) URGENT SAFETY RECOMMENDATIONS AND INTERIM MEASURES.—

“(1) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall restrict the Board from—

“(A) making urgent safety recommendations and identifying them as part of an ongoing safety investigation or study, to any department, agency, or instrumentality of

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the Federal Government, a State or local governmental authority, or a person concerned with transportation safety; or

(2) recommending interim measures, as identified to the Secretary, to a department, agency, instrumentality, authority, or person described in subparagraph (A) to mitigate risks to transportation safety pending implementation of more comprehensive responses by the department, agency, instrumentality, authority, or person.

SEC. 11. INCLUSION IN FINAL ACCIDENT REPORTS.—The Board makes an urgent safety recommendation or recommends an interim measure before completing a relevant final accident investigation if the urgent safety recommendation or interim measure shall also be reflected in the final accident report.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS. (a) In General.—Section 1118(a) is amended by striking ‘‘conducted at least annually, but may be’’.

(b) Conforming Amendment.—The analysis for section 1118 is amended by inserting after the item relating to section 1132 the following:

‘‘1132a. Marine casualty investigations.’’.

SEC. 12. INSPECTIONS AND AUTOPSYSE. (a) Entry and Inspection.—Section 1134(a) is amended in the matter preceding paragraph (1) by striking ‘‘officer or employee’’ and inserting ‘‘officer, employee, or Federal designee’’; and

(b) Authorizing and Conducting.—In the conduct of any accident investigation or study after ‘‘National Transportation Safety Board’’. (b) Inspection, Testing, Preservation, and Moving of Aircraft and Parts.—Section 1134(b) is amended to read as follows:

‘‘(b) Inspection, Testing, Preservation, and Moving of Aircraft and Parts.—(1) Inspection and Testing.—In investigating an aircraft accident under this chapter, the Board may—

(A) inspect and test, to the extent necessary, any civil aircraft, engine, propeller, appliance, or property on an aircraft involved in an accident in air commerce;

(B) seize or otherwise obtain any recording device and recording pertinent to the accident; and

(C) require specific information only available from the manufacturer to enable the Board to read and interpret any flight parameter or navigation storage device or media on board the aircraft involved in the accident.

(2) MOVING OF AIRCRAFT AND PARTS.—Any civil aircraft, aircraft engine, propeller, appliance, or property on an aircraft involved in an accident in air commerce may be preserved, and may be moved, only as provided by regulations of the Board.

(3) TRADE SECRETS, COMMERCIAL INFORMATION, AND FINANCIAL INFORMATION.—The provisions of section 1114(b) shall apply to materials provided under paragraph (1)(C) and properly identified as trade secrets, commercial information, or financial information.

(4) AVOIDING UNNECESSARY INTERFERENCE; PRESERVING EVIDENCE.—Section 1134(c) is amended to read as follows:

‘‘(c) AVOIDING UNNECESSARY INTERFERENCE; PRESERVING EVIDENCE.—(1) INSPECTION AND TESTING.—In carrying out subsection (a)(1), an officer or employee may—

(A) examine or test any vehicle, vessel, rolling stock, track, or pipeline component; and

(B) seize or otherwise obtain any recording device and recording pertinent to the accident; and

(C) require the production of specific information only available from the manufacturer to enable the Board to read and interpret any operational parameter or navigation storage device or media on board the vehicle, vessel, or rolling stock involved in the accident.

(2) TRADE SECRETS, COMMERCIAL INFORMATION, AND FINANCIAL INFORMATION.—The provisions of section 1114(b) shall apply to materials provided under paragraph (1)(C) and properly identified as trade secrets, commercial information, or financial information.

(3) CONDUCT OF EXAMINATIONS AND TESTS.—An examination or test under paragraph (1)(A) shall be conducted in a way that—

(A) does not interfere unnecessarily with transportation services provided by the owner or operator of the vehicle, vessel, rolling stock, track, or pipeline component; and

B) PARTICIPATION OF COMMANDANT IN MARINE INVESTIGATIONS.—The Board shall provide to the Commandant of the Coast Guard in an investigation by the Board of a major marine casualty under section 1131(a)(1)(E) if such participation is warranted by the scope of the investigation or the appropriate exercise of the powers of the Commandant, except that the Commandant may not participate in establishing the probable cause of the marine casualty (other than as provided in section 1131(b)).’’.

(5) CONFORMING AMENDMENT.—The analysis for section 1118 is amended by inserting after the item relating to section 1132 the following:

‘‘1132a. Marine casualty investigations.’’.
There was no objection. Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a very special moment for me. It’s at least the fourth time that the National Transportation Safety Board reauthorization bill that I have brought to the floor to manage during the years that I chaired the aviation authorization subcommittee. And during the years when we were in the minority and had to work with our Republican colleagues on the committee to bring NTSB authorizations to the floor, I’m proud to say they have all, under management by either party in our committee, these bills have all come out of committee with a unanimous vote.

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We have not had recorded votes within committee. Whatever differences of view, we have been able to resolve and acknowledge one another’s contributions. And the same with this reauthorization for NTSB.

I will point out that I served in Congress as staff in 1966–67 when the Congress created the Department of Transportation and included within it an independent safety board. But after a few years, it was apparent that the Safety Board could not be independent within the Department. So the Congress, before I was elected, moved to separate the NTSB, separate the safety board from the Department and establish it as an independent agency separate from the Department.

In the years since then, the NTSB has become the worldwide gold standard for safety standards, for investigation of transportation accidents, and for leading the world to a better safety regime in all modes of transportation. Other nations have come to the U.S. to emulate the NTSB, to see how it works, how it’s structured, and how it acts with independence. And we, in this authorization, continue that standard of equal footing of the NTSB, increasing staff, increasing funding modestly only just to accommodate the needs of NTSB for the additional responsibilities we have shouldered upon the Safety Board. I would like to say that we add two full-time equivalent employees to support the recently enacted Rail Disaster Family Assistance Act, legislation that the former chairman of the committee, DON YOUNG, had introduced in 2006 and which we adopted by voice vote in the committee. I just want to make an acknowledgement of Mr. YOUNG’s continued splendid contribution.

With that, I reserve the balance of my time.

Mr. LoBIONDO. Mr. Speaker, I yield myself such time as I may consume. Mr. OBERSTAR has been very passionate on this issue, along with a number of other issues. The critical importance of NTSB has been outlined over and over again. I urge all Members to look very carefully. I yield back the balance of my time.

Mr. OBERSTAR. Mr. Speaker, we have no further requests for time on our side. I submit for the Record a more detailed explanation of the provisions of the reauthorization.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 4714, as amended, a bill to reauthorize the National Transportation Safety Board (NTSB) with the vitally important responsibility to improve the safety of our nation’s transportation network.

Since its inception in 1967, the NTSB has investigated more than 132,000 aviation accidents, more than 10,000 surface transportation accidents. During those 43 years, the Safety Board has issued more than 13,000 safety recommendations, with 82 percent of those recommendations accepted by the related agency or organization. In the last three years alone, the Safety Board has investigated more than 64 major accidents, issued 63 major reports covering all transportation modes (aviation, highway, transit, maritime, railroad, and pipeline/hazardous materials), and issued more than 521 safety recommendations.

The NTSB is widely acknowledged as the world’s premier accident investigation agency. Thanks to the NTSB’s diligent work in investigating the causes of past transportation accidents, and in recommending solutions, the traveling public is safer today than ever before.

But we must not be content with the progress we have made in improving transportation safety. That is why H.R. 4714, the “National Transportation Safety Board Reauthorization Act of 2010”, provides the Safety Board with additional tools it needs to accomplish its crucial mission. To maintain its position as the world’s premier investigative agency, the NTSB must have the resources necessary to handle increasingly complex accident investigations.

Accordingly, this bill authorizes increased funding over the next four years: $107.6 million in fiscal year (FY) 2011, $115.3 million in FY 2012, $122.2 million in FY 2013, and $124.2 million in FY 2014. These funding levels will allow the NTSB to hire an additional 66 full-time equivalent (FTE) employees, increasing its staffing to 477 FTEs. According to the NTSB’s 2009 human capital forecast, 477 FTEs represent the Safety Board’s optimal staffing level and enables the agency to take on more investigations and accomplish detailed examinations of transportation safety issues.

These funding levels are consistent with the previous NTSB authorization bill. In 2006, the Committee on Transportation and Infrastructure authorized $100 million for the Safety Board’s support 475 FTEs in FY 2008 and FY 2009. That is the same number we are discussing today, plus two additional FTEs to support the recently-enacted Rail Disaster Family Assistance Act. My good friend from Alaska, and former Chairman of the Committee, DON YOUNG, introduced that legislation in 2006, which was adopted by a voice vote in Committee.

Unfortunately, appropriations have not kept pace with the Safety Board’s needs. NTSB believes that it is imperative to increase its staffing to 477 FTEs to ensure that it has the investigative staff it needs to conduct effective investigations.

Importantly, H.R. 4714 also contains an explicit authorization for the NTSB to do what it could.
has done historically: investigate incidents as well as accidents. The Safety Board's work in response to incidents is no less important and has produced a body of work that, without question, has prevented future accidents and loss of life.

The Safety Board’s work in investigating past incidents has taught us that incidents are often precursors to major accidents that involve fatalities and serious damage. I recall the Safety Board’s work on near-collisions and runway incursions in the 1980s, when I chaired our Subcommittee on Investigations and Oversight. I responded to a spate of runway incursions—including one incident in which two DC–10s with a combined 501 passengers on board nearly collided at Minneapolis–St. Paul International Airport—the Safety Board issued detailed recommendations to the Federal Aviation Administration and operators on how to prevent similar near-disasters. In the years since, the Safety Board has continued its work in analyzing runway incursions. Enhancing runway safety remains a priority on the NTSB’s Most Wanted List of aviation safety improvements.

In addition, H.R. 4714 should resolve, once and for all, any ambiguity in the NTSB’s authority to issue subpoenas in all investigations. In a few cases, NTSB investigations have been hindered or delayed when the recipients of subpoenas have not complied, arguing that the NTSB’s authority to issue subpoenas only extends to the conduct of public hearings. H.R. 4714 makes it clear that the NTSB’s subpoena authority extends equally to all investigations: those that require public hearings, as well as those that do not.

The bill also clarifies that the NTSB is not required to determine a single cause or probable cause of a transportation accident, but may determine that there was more than one probable cause. The bill keeps pace with advances in accident investigation, which recognize that a particular accident is rarely attributable to a single cause or probable cause, and that most accidents happen as the result of cumulative factors.

The bill also holds the NTSB accountable, by requiring the Safety Board to develop a list of criteria that it will use to determine whether to hold a public hearing in any particular investigation.

Furthermore, H.R. 4714 permits the NTSB to delegate its full authority to investigate major marine casualties to the Coast Guard if the NTSB determines that Coast Guard personnel assigned to investigate marine casualties possess the training, experience, and qualifications necessary to employ best practices in use by marine casualty investigators. In addition, the bill ensures coordination and cooperation between the NTSB and the Coast Guard in investigations of major marine casualties.

H.R. 4714 also permits the NTSB, upon coordination with the State Department, to investigate a transportation accident that occurred overseas, and to use appropriated funds to complete that investigation. The NTSB accepted such a delegation of responsibility by the government of Afghanistan to investigate the 2004 crash of Blackwater 61, in which six Americans lost their lives.

H.R. 4714 provides the NTSB with the necessary funding and authority to accomplish its critical mission of ensuring the safety of the traveling public.
have finally been successful in getting the first $150 million, it will take years to fund these replacements, not to mention other capital needs. Recommendations short of multi-million dollar upgrades and replacements can save lives. My provision requires the NTSB to specifically consider recommending interim and urgent recommendations where appropriate, especially where the federal agency has not secured funds to comply with the costly permanent recommendations.

I ask that my colleagues support this bill.

Mr. OBERSTAR. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and pass the bill, H.R. 4714, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

STATE ETHICS LAW PROTECTION ACT OF 2010

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3427) to amend title 23, United States Code, to protect States that have in effect laws or orders with respect to pay to play reform, and for other purposes, as amended.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and pass the bill, H.R. 4714, as amended, the 'State Ethics Law Protection Act of 2010'.

Mr. LOBIONDO. Mr. Speaker, I yield myself such time as I may consume.

This bill aids State efforts to clean up their politics, trading campaign contributions for government contracts.

In 2008, the Illinois General Assembly took a bipartisan stand by passing a bill to eliminate pay-to-play contracting. Amazingly, the Federal Government then told Illinois that it had to back down or risk losing highway funds. The Federal Highway Administration interpreted their competitive bidding requirements to mean that States could not use pay to play contracts. Clearly the intent of this Chamber when it passed those requirements. That is why I am pleased we are debating this important fix.

H.R. 3427, the State Ethics Law Protection Act, will make it clear that Congress supports the right of States to fight corruption. States like Connecticut, New Jersey, South Carolina, Pennsylvania, and Kentucky have passed laws like Illinois', and others are debating similar bills. They are all aiming at the same bipartisan conclusion: Corruption must be stamped out and pay-to-play made a thing of the past. Our States have shown they are ready for reform. It is now our duty to ensure they have the tools to do so.

At this critical juncture, we must do all we can to inspire the trust and confidence of people across the country. After all, without the people's trust, we cannot govern. I wish to thank Chairman OBERSTAR and the committee for bringing this bill to the floor and urge my colleagues to support the State Ethics Law Protection Act.

Mr. QUIGLEY. Mr. Speaker, now I yield myself such time as I may consume.

The gentleman from Illinois stated the case very clearly and thoughtfully, and the gentleman from New Jersey has further underscored the significance of this bill. The legislation makes clear that no State will be considered to have violated the Federal Highway Administration’s competitive bidding requirements solely because the State chose to enact an anti-pay-to-play law. The bill would neither require a State to pass anti-pay-to-play nor prohibit a State from doing so. It would not weigh in on the merits of any existing State law. It simply removes what currently functions as a Federal prohibition on States’ efforts to prohibit pay-to-play. As the gentleman from New Jersey said, it is commonsense legislation, and I urge its passage.

Mr. Speaker, I rise today in strong support of H.R. 3427, as amended, the ‘State Ethics Law Protection Act of 2010’, introduced by the gentleman from Illinois (Mr. QUIGLEY).

This bill aids State efforts to clean up their procurement processes by removing the threat of the loss of Federal-aid highway funds if a State chooses to enact “anti-pay-to-play” reforms.

Specifically, H.R. 3427 provides that a State may not be considered to have violated the
Federal Highway Administration’s (FHWA) competitive bidding requirements solely because of the enactment of a State or local law prohibiting “pay-to-play”.

In an effort to improve State procurement processes, many States have enacted anti-pay-to-play laws to limit the amount of money that an individual or entity doing business with a State agency may contribute to a political party, campaign, or elected official.

Unfortunately, FHWA has interpreted State anti-pay-to-play laws as potentially conflicting with the competitive bidding requirements that apply to the use of Federal-aid highway funds under title 23 of the United States Code.

As a result of this statutory requirement, FHWA has twice threatened to withhold Federal highway funds from States that enacted anti-pay-to-play laws that applied to contracts on Federal-aid highway projects. The first instance occurred in 2004 in New Jersey. The second occurred last year in Illinois.

The competitive bidding requirements of title 23 are designed to ensure that the lowest qualified bidder is awarded Federal-aid highway contracts. They are not designed to prevent States from conducting procurement under the highest ethical standards. Unfortunately, in some instances, they have had just this effect.

H. Res. 3427 addresses this situation by making it clear that no State will be considered to have violated FHWA competitive bidding requirements solely because the State chose to enact an anti-pay-to-play law.

This bill would neither require any State to pass an “anti-pay-to-play” law nor prohibit it from doing so. It would not weigh in on the merits of any existing State law. It would simply remove what currently functions as a Federal prohibition on some States’ efforts to prohibit “pay-to-play”.

I urge my colleagues to join me in supporting H.R. 3427.

I yield back the balance of my time.

The SPEAKER pro tempore.

The question is on the motion offered by the gentleman from Minnesota (Mr. Oberstar) that the House suspend the rules and pass the bill, H.R. 3427, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

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PROVIDING FOR CONCURRENCE WITH AMENDMENTS IN SENATE AMENDMENT TO H.R. 3619, COAST GUARD AUTHORIZATION ACT OF 2010

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and agree to the amendment (H. Res. 1665) providing for the concurrence by the House in the Senate amendment to H.R. 3619, with amendments.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. Res. 1665

Resolved, That, upon the adoption of this resolution, the House shall be considered to have taken from the Speaker’s table the bill, H.R. 3619, with the Senate amendment thereto, and to have concurred in the Senate amendment with the following amendments: In lieu of the matter proposed to be inserted by the amendment of the Senate to the text of the bill, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.
(a) Short Title; This Act may be cited as the “Coast Guard Authorization Act of 2010”.
(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Authorization of appropriations.
Sec. 3. Authorization of military strength and training.

TITLE II—COAST GUARD
Sec. 101. Authorization of appropriations.
Sec. 102. Authorized levels of military strength and training.

TITLE III—SHIPPING AND NAVIGATION
Sec. 201. Appointment of civilian Coast Guard Judges.
Sec. 202. Industrial activities.
Sec. 203. Reimbursement for medical-related travel expenses.
Sec. 204. Constancy to foreign governments.
Sec. 205. Coast Guard participation in the Armed Forces Retirement Home (AFRHR) system.
Sec. 206. Grants to inland and international maritime organizations.
Sec. 207. Leave retention authority.
Sec. 208. Enforcement authority.
Sec. 209. Repeal.
Sec. 211. kiddie rules for commissioned warrant officer to lieutenant program.
Sec. 212. Enhanced status quo officer promotion system.
Sec. 213. Coast Guard vessels and aircraft.
Sec. 214. Coast Guard District Ombudsman.
Sec. 215. Coast Guard commissioned officers: compulsory retirement.
Sec. 216. Enforcement of coastwise trade laws.
Sec. 217. Report on sexual assaults in the Coast Guard.
Sec. 218. Home port of Coast Guard vessels in Guam.
Sec. 219. Supplemental positioning system.
Sec. 220. Assistance to foreign governments and maritime authorities.
Sec. 221. Coast guard housing.
Sec. 222. Child development services.
Sec. 223. Child development services.
Sec. 224. Coast Guard cross; silver star medal.

TITLE IV—ACQUISITION REFORM
Sec. 301. Maritime Drug Law Enforcement Act amendment—simple possession.
Sec. 302. Maritime Law Enforcement Act amendment—simple possession.
Sec. 303. Technical amendments to tonnage measurement law.
Sec. 304. Merchant mariner document standards.
Sec. 305. Ship emission reduction technology demonstration project.
Sec. 306. Phaseout of vessels supporting oil spill response.
Sec. 307. Arctic marine shipping assessment implementation.

TITLE V—ACQUISITION MODERNIZATION
Sec. 401. Chief Acquisition Officer.
Sec. 402. Acquisitions.
Sec. 403. National Security Cutters.
Sec. 404. Acquisition workforce expedited hiring authority.

TITLE VI—MARINE SAFETY
Sec. 501. Short title.
Sec. 502. Marine safety mission priorities and long-term goals.
Sec. 503. Powers and duties.
Sec. 504. Appeals and waivers.
Sec. 505. Coast Guard Academy.
Sec. 506. Report regarding civilian marine inspectors.

TITLE VII—OIL POLLUTION PREVENTION
Sec. 601. Short title.
Sec. 602. Vessel size limits.
Sec. 603. Cold weather survival training.
Sec. 604. Fishing vessel safety.
Sec. 605. Mariner records.
Sec. 606. Deletion of exemption of license requirement for operators of certain towing vessels.
Sec. 607. Log books.
Sec. 608. Safe operations and equipment standards.
Sec. 609. Approval of survival craft.
Sec. 610. Safety management.
Sec. 611. Protection against discrimination.
Sec. 612. Oil fuel tank protection.
Sec. 613. Oaths.
Sec. 614. Duration of licenses, certificates of registry, and merchant mariners’ documents.
Sec. 615. Authorization to extend the duration of licenses, certificates of registry, and merchant mariners’ documents.
Sec. 616. Merchant mariner assistance report.
Sec. 617. Offshore supply vessels.
Sec. 618. Associated equipment.
Sec. 619. Lifesaving devices on uninspected vessels.
Sec. 620. Study of blended fuels in marine application.
Sec. 621. Renewal of advisory committees.
Sec. 622. Delegation of authority.

TITLE VIII—PORT SECURITY
Sec. 701. Rulemakings.
Sec. 702. Oil transfers from vessels.
Sec. 703. Improvements to reduce human error and near miss incidents.
Sec. 704. Olympic Coast National Marine Sanctuary.
Sec. 705. Prevention of small oil spills.
Sec. 706. Improved coordination with tribal governments.
Sec. 707. Report on availability of technology to detect the loss of oil.
Sec. 708. Use of oil spill liability trust fund.
Sec. 709. International efforts on enforcement.
Sec. 710. Higher volume port area regulatory definition change.
Sec. 711. Tug escorts for laden oil tankers.
Sec. 712. Extension of financial responsibility.
Sec. 713. Liability for use of single-hull vessels.

TITLE IX—HOMELAND SECURITY
Sec. 801. America’s Waterway Watch Program.
Sec. 802. Transportation Worker Identification Credential.
Sec. 803. Interagency operational centers for port security.
Sec. 804. Deployable, specialized forces.
Sec. 805. Coast Guard detection canine team program expansion.
Sec. 806. Coast Guard port assistance Program.
Sec. 807. Maritime biometric identification.
Sec. 808. Pilot Program for fingerprinting of maritime workers.
Sec. 809. Transportation security cards on vessels.
Sec. 810. Maritime Security Advisory Committees.
Sec. 811. Seamen’s shoreside access.
Sec. 812. Waterside security of especially hazardous cargo.
Sec. 813. Review of liquefied natural gas facilities.
Sec. 920. Compliance provision.
Sec. 919. Reports.
Sec. 917. Maritime law enforcement.
Sec. 916. Conveyance of Coast Guard vessels;
Sec. 915. Conveyance of Coast Guard vessels on Lake Texoma;
Sec. 914. Conveyance of Coast Guard vessels in Cheboygan, Michigan.
Sec. 913. Technical amendments to chapter 313 of title 46, United States Code.
Sec. 912. Use of Coast Guard vessels.
Sec. 911. Strategy regarding drug trafficking vessels.
Sec. 910. Use of Coast Guard vessels against piracy.
Sec. 909. Technical amendments to chapter 313 of title 46, United States Code.
Sec. 908. Mission requirement analysis for navigable portions of the Rio Grande River, Texas, international water boundary.
Sec. 907. Land conveyance, Coast Guard property in Marquette County, Michigan, to the City of Marquette, Michigan.
Sec. 906. Limitation on jurisdiction of States to tax certain seamen.
Sec. 905. Study of bridges over navigable waters.
Sec. 904. Manning requirement.
Sec. 903. Technical corrections.
Sec. 902. Crew wages on passenger vessels.
Sec. 901. Waivers.
Sec. 1016. Other compliance documentation.
Sec. 1015. Utilization of personnel, facilities or equipment of other Federal departments and agencies.
Sec. 1014. Process for considering additional controls.
Sec. 1013. Other compliance documentation.
Sec. 1012. Declaration.
Sec. 1011. Definitions.
Sec. 1010. Certificate of inspection.
Sec. 1009. Certificate of authority.
Sec. 1008. Certificate of inspection.
Sec. 1007. Certificate of authority.
Sec. 1006. Certificate of inspection.
Sec. 1005. Certificate of authority.
Sec. 1004. Manning requirement.
Sec. 1003. Comprehensive grants of authority.
Sec. 1002. Declaration.
Sec. 1001. Certificates.
Sec. 1000. Certificates.
Sec. 918. Use of the United States law enforcement patrol boat, the Light Station in Presque Isle, Michigan, to the City of Marquette, Michigan.
Sec. 917. Transfer of vessels to the City of Marquette, Michigan, to the City of Marquette, Michigan.
Sec. 916. Use of Coast Guard vessels on Lake Texoma in Texas and Oklahoma.
Sec. 915. Use of Coast Guard vessels for public purposes.
Sec. 914. Conveyance of Coast Guard vessels for public purposes.
Sec. 913. Technical amendments to chapter 313 of title 46, United States Code.
Sec. 912. Use of Coast Guard vessels against piracy.
Sec. 911. Strategy regarding drug trafficking vessels.
Sec. 910. Use of Coast Guard vessels against piracy.
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Sec. 906. Limitation on jurisdiction of States to tax certain seamen.
Sec. 905. Study of bridges over navigable waters.
Sec. 904. Manning requirement.
Sec. 903. Technical corrections.
Sec. 902. Crew wages on passenger vessels.
Sec. 901. Waivers.
Sec. 828. Port security zones.
Sec. 826. Revenue generated from oceanographic research.
Sec. 825. International port and facility inspection coordination.
Sec. 824. Pre-positioning interoperable communication equipment at interagency operational centers.
Sec. 822. Integration of security plans and systems with local port authorities, State harbor divisions, and law enforcement agencies.
Sec. 821. Port security training and certification.
Sec. 820. Clarification of rulemaking authority.
Sec. 819. Harmonizing security card expirations.
Sec. 818. Transportation security cards: acquisition, distribution, and departmental implementation.
Sec. 817. Report and recommendation for transportation security cards.
Sec. 815. Port security zones.
Sec. 814. Use of secondary authentication for transportation security cards.
Sec. 813. Use of secondary authentication for transportation security cards.
Sec. 812. Covered vessels.
Sec. 811. Covered vessels.
Sec. 810. Covered vessels.
Sec. 809. Covered vessels.
Sec. 808. Covered vessels.
Sec. 807. Covered vessels.
Sec. 806. Covered vessels.
Sec. 805. Covered vessels.
Sec. 804. Covered vessels.
Sec. 803. Covered vessels.
Sec. 802. Covered vessels.
Sec. 801. Covered vessels.
Sec. 720. Comprehensive grants of authority.
Sec. 719. Comprehensive grants of authority.
Sec. 718. Comprehensive grants of authority.
Sec. 717. Comprehensive grants of authority.
Sec. 716. Comprehensive grants of authority.
Sec. 715. Comprehensive grants of authority.
Sec. 714. Comprehensive grants of authority.
Sec. 713. Comprehensive grants of authority.
Sec. 712. Comprehensive grants of authority.
Sec. 711. Comprehensive grants of authority.
Sec. 710. Comprehensive grants of authority.
Sec. 709. Comprehensive grants of authority.
Sec. 708. Comprehensive grants of authority.
Sec. 707. Comprehensive grants of authority.
Sec. 706. Comprehensive grants of authority.
Sec. 705. Comprehensive grants of authority.
Sec. 704. Comprehensive grants of authority.
Sec. 703. Comprehensive grants of authority.
Sec. 702. Comprehensive grants of authority.
Sec. 701. Comprehensive grants of authority.
Sec. 610. Comprehensive grants of authority.
Sec. 509. Comprehensive grants of authority.
Sec. 408. Comprehensive grants of authority.
Sec. 307. Comprehensive grants of authority.
Sec. 206. Comprehensive grants of authority.
Sec. 105. Comprehensive grants of authority.
Sec. 1. Comprehensive grants of authority.
“§ 42. Number and distribution of commissioned officers on active duty promotion list

(a) Maximum Total Number.—The total number of Coast Guard commissioned officers on the active duty promotion list, including warrant officers, shall not exceed 7,200; except that the Commandant may temporarily increase that number by up to 2 percent to a maximum of 3 percent over 60 days following the date of the commissioning of a Coast Guard Academy class.

(b) Distribution Percentages by Grade.

(1) Required.—The total number of commissioned officers authorized by this section shall be distributed in grade in the following percentages: 0.375 percent for rear admiral (lower half); 6.0 percent for captain; 15.0 percent for commander; and 22.0 percent for lieutenant commander.

(2) Discretionary.—The Secretary shall prescribe the percentages applicable to the grades of lieutenant, lieutenant (junior grade), and ensign.

(3) Authority of Secretary to Reduce Percentage.—The Secretary—

(A) may reduce, as the needs of the Coast Guard require, any of the percentages set forth in paragraph (1); and

(B) shall apply that total percentage reduction to any other lower grade or combination of lower grades.

(c) Computations.—

(1) In General.—The Secretary shall compute, at least once each year, the total number of commissioned officers listed on the current active duty promotion list.

(2) Rounding Fractions.—Subject to subsection (a)(1), the number of officers of any grade shall be rounded to the nearest whole number.

(3) Treatment of Officers Serving Outside Continent.—The number of commissioned officers on the active duty promotion list below the rank of rear admiral (lower half) serving with other Federal departments or agencies on a reimbursable basis or excluded under section 324(d) of title 49 shall not be counted against the total number of commissioned officers authorized to serve in each grade.

(d) Use of Numbers; Temporary Increases.—The numbers resulting from computations under subsection (c) shall be, for all purposes of this title of national significance, or in support of a declaration of a major disaster or emergency by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) or in support of a declaration of national significance by the Commandant, to be used for any purpose of which the Secretary, the Commandant, or any officer of the Coast Guard, may make grants to, or enter into cooperative agreements, contracts, or other agreements for the purpose of acquiring information or data about merchant vessel inspections, security, safety, environmental protection, classification, or flag state law enforcement or oversight.

§ 206. Grants to International Maritime Organizations.

Section 149 of title 14, United States Code, is amended by adding at the end the following:

(A) grants to international maritime organizations shall consist of 14 members, none of whom is a Federal employee, and shall include—

(1) ten who are health-care professionals with particular expertise, knowledge, or experience regarding the medical examinations or fitness determinations of merchant mariners or occupational medicine; and

(2) four who are professional mariners with knowledge and experience in mariner occupational requirements.

(2) Status of Members.—Members of the Committee shall not be considered Federal employees or otherwise in the service or the employment of the Federal Government, except that members shall be considered special Government employees, as defined in section 202(a) of title 18, United States Code, and shall be subject to any administrative standards of conduct applicable to the employee of the department in which the Coast Guard is operating.

(3) Appointments; Terms; Vacancies.—

(a) Appointments.—The Secretary shall appoint the members of the Committee, and each member shall serve at the pleasure of the Secretary.

(b) Terms.—Each member shall be appointed for a term of five years, except that,
of the members first appointed, three members shall be appointed for a term of two years.

(3) Vacancies.—Any member appointed to fill the position of any member whose term expires prior to the expiration of the term for which that member’s predecessor was appointed shall be appointed for the remainder of that term.

(d) Staff; Services. — The Secretary shall designate one member of the Committee as the Chairman and one member as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairman.

(e) Compensation; Reimbursement. — Members of the Committee shall serve without compensation, except that, while engaged in the performance of duties away from their homes or regular places of business of the member, the member of the Committee may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 3793 of title 5.

(f) Staff; Services. — The Secretary shall furnish to the Committee the personnel and facilities of the Committee as the Chairman and one member as the Vice Chairman.

SEC. 212. COAST GUARD VESSELS AND AIRCRAFT.

(a) Authority To Fire at or Into a Vessel. — Section 637(c) of title 14, United States Code, is amended by striking the colon at the end of the material preceding the material following the material following the material following the material following the material following the material following the material following the material following the material following the material following the material following the material following the material following the material following the material following the material following the material following the material following the material following the material following the material following the material following the material following the material following the material following the material following the material following the material following the material following the material following the material following the material following the material following the material following the material following the material following the 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striking the item relating to such section and inserting the following:

"293. Compulsory retirement."

SEC. 216. ENFORCEMENT OF COASTWISE TRADE LAWS.

(a) In GENERAL.—Chapter 5 of title 14, United States Code, is further amended by adding at the end the following:

"§ 100. Enforcement of coastwise trade laws

'Officers and members of the Coast Guard are authorized to enforce chapter 551 of title 46. The Secretary shall establish a program for these officers and members to enforce that section.'"

(b) CLERICAL AMENDMENT.—The analysis of this section is further amended by adding at the end the following new item:

"100. Enforcement of coastwise trade laws."

(c) REPORT.—The Secretary of the department in which the Coast Guard is operating shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation within one year after the date of enactment of this Act on the enforcement strategies and enforcement actions taken to enforce the coastwise trade laws.

SEC. 217. REPORT ON SEXUAL ASSAULTS IN THE COAST GUARD.

(a) In GENERAL.—Not later than January 15 of each year, the Commandant of the Coast Guard shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation concerning the prevention of and response to incidents of sexual assault involving members of the Coast Guard, and the number of such determination.

(b) CONTENTS.—The report required under subsection (a) shall contain the following:

(1) The number of sexual assaults against members of the Coast Guard, and the number of sexual assaults by members of the Coast Guard, that were reported to military officials during the year covered by such report, and the number of the cases so reported that were substantiated.

(2) A synopsis of, and the disciplinary action taken in, each substantiated case.

(3) The policies, procedures, and processes implemented by the Secretary concerned during the year covered by such report in response to sexual assaults involving members of the Coast Guard concerned.

(4) A plan for the actions that are to be taken in the following year covering by such prevention of, and response to sexual assault involving members of the Coast Guard concerned.

SEC. 218. HOME PORT OF COAST GUARD VESSELS IN GUAM.

Section 96 of title 14, United States Code, is amended—

(1) by striking "a State of the United States" and inserting "the United States or Guam"; and

(2) by inserting "or Guam" after "outside the United States".

SEC. 219. SUPPLEMENTAL POSITIONING SYSTEM.

Not later than 180 days after date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating in consultation with the Commandant of the Coast Guard shall conclude their study of whether a single, domestic system is necessary as a free, global positioning system to support the Global Positioning System and notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the results of such determination.

SEC. 220. ASSISTANCE TO FOREIGN GOVERNMENTS AND MARITIME AUTHORITIES.

Section 149 of title 14, United States Code, as amended by section 206, is further amended by adding at the end the following:

"(d) AUTHORIZED ACTIVITIES.—

(1) The Commandant may use funds for—

(A) the activities of traveling contact teams, including any transportation expense, translation service expenses, or administrative expense that is related to such activities;

(b) the activities of maritime authority liaison teams of foreign governments making reciprocal visits to Coast Guard units, including any transportation expense, translation service expenses, or administrative expense that is related to such activities;

(C) seminars and conferences involving members of maritime authorities of foreign governments;

(D) distribution of publications pertinent to engagement with maritime authorities of foreign governments; and

(E) personnel expenses for Coast Guard civilian and military personnel to the extent that those expenses relate to participation in an activity described in subparagraph (C) or (D).

(2) An activity may not be conducted under this subsection with a foreign country unless the Secretary of State approves the conduct of such activity in that foreign country.

SEC. 221. COAST GUARD HOUSING.

(a) In GENERAL.—Chapter 18 of title 14, United States Code, is amended—

(1) in section 680—

(A) by striking paragraphs (1), (2), and (3) and inserting the following new paragraphs:

"(1) The term 'construct' means to build, renovate, or improve military family housing and military unaccompanied housing.

(2) The term 'construction' means building, renovating, or improving military family housing and military unaccompanied housing.'';

(B) by redesigning paragraphs (4) and (5) as paragraphs (3) and (4), respectively;

(2) in section 681(a)—

(A) in the matter preceding paragraph (1), by striking "exercise any authority or any combination of authorities provided under this chapter in order to provide for the acquisition or construction by private persons, including a small business concern qualified under section 8(a) of the Small Business Act (15 U.S.C. 637(a)), of the following:''; and inserting "acquire or construct the following:'';

(B) in paragraph (1), by striking "Family housing units" and insertion "Military family housing units";

(C) in paragraph (2), by striking "Unaccompanied housing units" and insertion "Military unaccompanied housing";

(D) by repealing section 682, 683, and 684;

(3) by repealing section 685; and

(4) by amending section 685 to read as follows:

"§ 685. Conveyance of real property

"(a) CONVEYANCE AUTHORIZED.—Notwithstanding any other provision of law, the Secretary may convey, at fair market value, real property, owned or under the administrative control of the Coast Guard, for the purpose of expending the proceeds from such conveyance to acquire and construct military family housing and military unaccompanied housing.

(b) TERMS AND CONDITIONS.—

(1) The conveyance of real property under this section shall be by sale, for cash. The Secretary shall deposit the proceeds from such sales and conveyances in the Coast Guard Conveyance Fund established under section 687 of this title, for the purpose of expending such proceeds to acquire and construct military family housing and military unaccompanied housing.

(2) The conveyance of real property under this section shall not diminish the mission capacity of the Coast Guard with regard to military family housing or military unaccompanied housing.

(c) COASTWISE TRADE LAW.—This section does not affect or limit the application of or obligation to comply with any environmental law, including section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h))."

SEC. 222. CHILD DEVELOPMENT SERVICES.

Section 315 of title 14, United States Code, is amended—

(1) by striking subsection (b) and inserting the following:

"(b) The Commandant is authorized to use appropriated funds available to the Coast Guard to provide child development services.

(2) The Commandant is authorized to establish fees to be charged pursuant to this subsection if such rates would not be competitive with rates at local child development centers.

Fees to be charged, pursuant to sub-paragraph (A), shall be based on family income, except that the Commandant may, on a case-by-case basis, establish fees at lower rates in cases of extreme financial hardships.

The Secretary shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation concerning the prevention of and response to incidents of sexual assault involving members of the Coast Guard.
“(C) The Commandant is authorized to collect and expend fees, established pursuant to this subparagraph, and such fees shall, without further appropriation, remain available until expended for the purpose of providing services, including the compensation of employees and the purchase of consumable and disposable items, at Coast Guard child development centers.”;

“(3) The Commandant is authorized to use appropriated funds available to the Coast Guard to provide assistance to family home daycare providers so that family home daycare services can be provided to uniformed service members and civilian employees of the Coast Guard at a cost comparable to the fees provided by Coast Guard child development centers.”;

(2) by repealing subsections (d) and (e); and

(3) by redesignating subsections (f) and (g) as subsections (d) and (e), respectively.

SEC. 223. CHAPLAIN ACTIVITY EXPENSE.

Section 145 of title 14, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking “and” at the end;

(B) in paragraph (3), by striking the period at the end and inserting “; and”;

(C) by adding at the end the following new paragraph:

“(4) detail personnel from the Chaplain Corps to provide services, pursuant to section 1789 of title 10, to the Coast Guard.”;

and

(2) by adding at the end the following new subsection:

“(d)(1) As part of the services provided by the Secretary of the Navy pursuant to subsection (a), the Secretary may provide support services to chaplain-led programs to assist members of the Coast Guard on active duty and their dependents, and members of the reserve component in an active status and their dependents, in building and maintaining a strong family structure.

“(2) In this subsection, the term ‘support services’ include transportation, food, lodging, child care, supplies, fees, and training materials for members of the Coast Guard on active duty and their dependents, and members of the reserve component in an active status and their dependents, while participating in programs referred to in paragraph (1), including participation at retreats and conferences.

“(3) In this subsection, the term ‘dependents’ has the same meaning as defined in section 1072(b) of title 10.”

SEC. 224. COAST GUARD CROSS; SILVER STAR MEDAL.

(a) COAST GUARD CROSS.—Chapter 13 of title 14, United States Code, is amended by inserting after section 492 a new section 492b as follows:

“492b. Distinguished flying cross;”—

(1) by striking the designation and heading of section 492a and inserting the following:

“492b. Distinguished flying cross;”;

and

(2) by inserting after section 492 the following new section 492a as follows:

“492a. Silver star medal

“The President may award a silver star medal of appropriate design, with ribbons and appurtenances, to a person who, while serving in the United States Coast Guard, when the Coast Guard is not operating under the Department of the Navy, is cited for gallantry in action that does not warrant a medal of honor or Coast Guard cross—

“(1) while engaged in an action against an enemy of the United States;

“(2) while engaged in military operations involving conflict with an opposing foreign force or international terrorist organization; or

“(3) while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.”;

(c) CONFORMING AMENDMENTS.—Such chapter is further amended—

(1) in section 494, by striking “distinguished service medal, silver star medal, distinguished flying cross,” and inserting “Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross,” in both places it appears;

(2) in section 495, by inserting “that makes” and inserting “makes”; and

(3) in section 496—

(A) by striking the designation and heading of section 492a, and inserting “Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross,”;

(B) by adding after section 492 the following new section 492a as follows:

“492a. Silver star medal

“The President may award a silver star medal of appropriate design, with ribbons and appurtenances, to a person who, while serving in the United States Coast Guard, when the Coast Guard is not operating under the Department of the Navy, is cited for gallantry in action that does not warrant a medal of honor or Coast Guard cross—

“(1) while engaged in an action against an enemy of the United States;

“(2) while engaged in military operations involving conflict with an opposing foreign force or international terrorist organization; or

“(3) while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.”;

(c) SIMPLE POSSESSION.—

“(1) IN GENERAL.—Any individual on a vessel subject to the jurisdiction of the United States who is found by the Secretary, after notice and an opportunity for a hearing, to have knowingly or intentionally possessed a controlled substance within the meaning of the Controlled Substances Act (21 U.S.C. 812) shall be liable to the United States for a civil penalty of not to exceed $5,000 for each violation. The Secretary shall notify the individual in writing of the amount of the civil penalty.

“(2) DETERMINATION OF AMOUNT.—In determining the amount of the penalty, the Secretary shall consider the nature, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other matters that justice requires.

“(3) TREATMENT OF CIVIL PENALTY ASSESSMENT.—Assessment of a civil penalty under this subsection shall not be considered a conviction for purposes of State or Federal law but may be considered proof of possession if such a determination is relevant.”;

SEC. 201. TECHNICAL AMENDMENTS TO TONnage MEASUREMENT LAW.

(a) DEFINITIONS.—Section 14010(b) of title 46, United States Code, is amended—

(1) in paragraph (1), by inserting “vessel that makes” and inserting “vessel”;

(2) in subsection (a) (as designated by paragraph (1)) by striking “$100; and the” and inserting “that makes”;

(3) in subsection (a), by striking “distinguished service medal, silver star medal, distinguished flying cross,” and inserting “Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross,”;

and

(b) DELEGATION OF AUTHORITY.—Section 14010(c) of that title is amended by striking “intended to be engaged on” and inserting “that engages on”.

(c) APPLICATION.—Section 14301 of that title is amended—

(1) by amending subsection (a) to read as follows:

“(a) Except as otherwise provided in this section, this chapter applies to any vessel for which an application for an international agreement or other law of the United States to the vessel depends on the vessel’s tonnage.”;

and

(2) in subsection (b)—

(A) in paragraph (1), by striking the period at the end and inserting “; unless the government of the country to which the vessel belongs elects to measure the vessel under this chapter”;

and

(B) in paragraph (3), by striking “of United States or Canadian registry or nationality, or a vessel operated under the authority of the United States or Canada, and that is “after vessel”; and

and

(B) in paragraph (4), by striking “a vessel (except a vessel engaged” and inserting “vessel of United States registry or nationality, or one operated under the authority of the United States (except a vessel that engages”;

and

(D) by striking paragraph (5);

(E) by redesignating paragraph (6) as paragraph (5); and

and

(F) by amending paragraph (5), as so redesignated, to read as follows:

“(5) a barge of United States registry or nationality, or a barge operated under the authority of the United States (except a barge that engages on a foreign voyage) unless the owner requests.”;

and

(3) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively; and
SEC. 304. MERCHANT MARINER DOCUMENT CERTIFICATES.

(a) STUDY.—The Commandant of the Coast Guard, in conjunction with the Administrator of the Environmental Protection Agency, shall conduct a study—

(1) that identifies the impediments, including any laws or regulations, to demonstrating the technology identified in paragraph (3); and

(2) that identifies the impediments, including any laws or regulations, to demonstrating the technology identified in paragraph (3).

(b) REPORT.—Within 180 days after the date of enactment of this Act, the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

(1) a report on the feasibility of, and a timeline to, redesign the vessel mariner document to comply with the requirements of such section, including a biometric identifier, and all relevant international conventions, including the International Labour Organization Convention Number 185 concerning the seafarers identity document, and such redesign will eliminate the need for separate identity credentials and background screening and streamline the application process for mariners.

SEC. 305. SHIP EMISSION REDUCTION TECHNOLOGY DEMONSTRATION PROJECT.

(a) STUDY.—To carry out the purpose of this section, the Secretary of Transportation may, subject to the availability of funds, enter into agreements and contracts with foreign governments, international organizations, commercial entities, and other interested parties to demonstrate the potential of air emissions reduction for the operation of foreign vessels that operate in United States waters, for the purpose of determining whether appropriate international agreements or other arrangements are necessary for the efficient and effective implementation of the requirements of this section.

(b) LEASE DEFINED.—In this section, the term ‘‘lease’’ means the legal instrument (as defined in section 1341(c) of title 43, United States Code), who, prior to giving the written notice in subsection (a)(1), has entered into a binding agreement to employ a suitable vessel documented under section 12111(d) of title 46, United States Code.

(2) a report on the feasibility of, and a timeline to, redesign the vessel mariner document to comply with the requirements of such section, including a biometric identifier, and all relevant international conventions, including the International Labour Organization Convention Number 185 concerning the seafarers identity document, and such redesign will eliminate the need for separate identity credentials and background screening and streamline the application process for mariners.

SEC. 306. PHASEOUT OF VESSELS SUPPORTING OIL AND GAS DEVELOPMENT.

(a) IN GENERAL.—Notwithstanding section 12111(d) of title 46, United States Code, for vessels that operate in United States waters, the Secretary of Transportation may, subject to the availability of funds, enter into agreements and contracts with foreign governments, international organizations, commercial entities, and other interested parties to demonstrate the potential of air emissions reduction for the operation of foreign vessels that operate in United States waters for the purpose of determining whether appropriate international agreements or other arrangements are necessary for the efficient and effective implementation of the requirements of this section.

(b) REPORT.—Within 180 days after the date of enactment of this Act, the Commandant shall submit a report on the results of the study conducted under this section to the Committees on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate.

SEC. 307. ARCTIC MARINE SHIPPING ASSESSMENT AND IMPLEMENTATION.

(a) PURPOSE.—The purpose of this section is to ensure safe and secure maritime shipping in the Arctic including the availability of aids to navigation, vessel escorts, spill response capability, and maritime search and rescue in the Arctic.

(b) INTERNATIONAL MARITIME ORGANIZATION AGREEMENTS.—To carry out the purpose of this section, the Secretary of Transportation may, subject to the availability of funds, enter into agreements and contracts with foreign governments, international organizations, commercial entities, and other interested parties to demonstrate the potential of air emissions reduction for the operation of foreign vessels that operate in United States waters for the purpose of determining whether appropriate international agreements or other arrangements are necessary for the efficient and effective implementation of the requirements of this section.

(c) DISCUSSION.—In carrying out the purposes of this section—

(1) vessel's tonnage mark is below the uppermost part of the load line marks; and

(2) a report on the feasibility of, and a timeline to, redesign the vessel mariner document to comply with the requirements of such section, including a biometric identifier, and all relevant international conventions, including the International Labour Organization Convention Number 185 concerning the seafarers identity document, and such redesign will eliminate the need for separate identity credentials and background screening and streamline the application process for mariners.

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(b) LEASE DEFINED.—In this section, the term ‘‘lease’’ means the legal instrument (as defined in section 1341(c) of title 43, United States Code), who, prior to giving the written notice in subsection (a)(1), has entered into a binding agreement to employ a suitable vessel documented under section 12111(d) of title 46, United States Code.

(2) a report on the feasibility of, and a timeline to, redesign the vessel mariner document to comply with the requirements of such section, including a biometric identifier, and all relevant international conventions, including the International Labour Organization Convention Number 185 concerning the seafarers identity document, and such redesign will eliminate the need for separate identity credentials and background screening and streamline the application process for mariners.

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(b) REPORT.—Within 180 days after the date of enactment of this Act, the Commandant shall submit a report on the results of the study conducted under this section to the Committees on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate.

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(c) DISCUSSION.—In carrying out the purposes of this section—

(1) vessel's tonnage mark is below the uppermost part of the load line marks; and

(2) a report on the feasibility of, and a timeline to, redesign the vessel mariner document to comply with the requirements of such section, including a biometric identifier, and all relevant international conventions, including the International Labour Organization Convention Number 185 concerning the seafarers identity document, and such redesign will eliminate the need for separate identity credentials and background screening and streamline the application process for mariners.
and governments to carry out the purpose of this section or any agreements established under subsection (b).

(e) **Icebreaking.**—The Secretary of the department in which the Coast Guard is operating shall promote safe maritime navigation and icebreaking when necessary, feasible, and effective to carry out the purposes of this section.

(f) **Independent Icebreaker Analyses.**—

(1) **In General.**—Not later than 90 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall require a non-governmental, independent third party (other than the National Academy of Sciences) that has extensive experience in the analysis of military procurements to—

(A) conduct a comparative cost-benefit analysis, taking into account future Coast Guard budget projections (which assume Coast Guard budget growth of no more than inflation) and other recapitalization needs, of—

(i) rebuilding, renovating, or improving the existing fleet of polar icebreakers for operation by the Coast Guard;

(ii) constructing new polar icebreakers by the National Science Foundation for operation by the Polar Research;

(iii) constructing new polar icebreakers by the National Science Foundation for operation by the Foundation; and

(iv) any combination of the activities described in clause (i), (ii), (iii), or (iv) to carry out the missions of the Coast Guard and the National Science Foundation;

(B) conduct a comprehensive analysis of the impact on all Coast Guard activities, including operations, maintenance, procurements, and end strength, of the acquisition of polar icebreakers described in subparagraph (A) by the Coast Guard or the National Science Foundation assuming that total Coast Guard funding will not increase more than the annual rate of inflation.

(2) **Report.**—Not later than 1 year after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit a report containing the results of the analyses required under paragraph (1), together with recommendations of the Secretary, as appropriate under section 83(a)(24) of title 14, United States Code, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(g) **High-Latitude Study.**—Not later than 90 days after the date of enactment of this Act or the date of completion of the ongoing High-Latitude Study in which the Coast Guard is operating shall submit a report containing the results of the analyses required under paragraph (1), together with recommendations of the Commandant, as appropriate under section 83(a)(24) of title 14, United States Code, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(h) **Arctic Policy.**—In this section the term ‘‘Arctic’’ has the same meaning as in section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111).
oversight for the implementation and management of all Coast Guard acquisition processes, programs, and projects.

(b) MISSION.—The mission of the acquisition directorate is—

(1) to acquire and deliver assets and systems that increase operational readiness, enhance mission performance, and create a safe working environment; and

(2) to assist in the development of a workforce that is trained and qualified to further the Coast Guard’s missions and deliver the best-value products and services to the Nation.

§ 562. Improvements in Coast Guard acquisition management

(a) PROJECT OR PROGRAM MANAGERS.—

(1) In general.—An individual may not be assigned as the project or program manager for a Level 1 acquisition unless the individual holds a Level III acquisition certification as a program manager.

(2) LEVEL 2 PROJECTS.—An individual may not be assigned as the project or program manager for a Level 2 acquisition unless the individual holds a Level II acquisition certification as a program manager.

(b) GUIDANCE ON TENURE AND ACCOUNTABILITY OF PROGRAM AND PROJECT MANAGERS

(1) ISSUANCE OF GUIDANCE.—Not later than one year after the date of enactment of the Coast Guard Authorization Act for Fiscal Years 2010 and 2011, the Commandant shall issue guidance to assist in the development of a workforce relative to officers and members of the Coast Guard who wish to pursue careers in acquisition that are or may become program managers in managing systems acquisition efforts; and

(2) REQUIRED POSITIONS.—In designating positions under subsection (a), the Commandant shall include, at a minimum, positions encompassing the following competencies and functions:

(A) Program management.

(B) Systems planning, research, development, engineering, and testing.

(C) Procurement, including contracting.

(D) Industrial and contract property management.

(E) Business, cost estimating, financial management, and auditing.

(F) Life-cycle logistics.

(G) Manufacturing and production.

(H) Quality and quality assurance.

(iii) the methods by which the accountability of program or project managers for the results of acquisition projects and programs will be increased.

(c) ACQUISITION MANAGEMENT HEADQUARTER ACTIVITIES.—The Commandant shall also designate as positions in the acquisition workforce for the purposes of this program a cash bonus to the extent that the individual holds a Level III acquisition certification as a program manager.

§ 563. Recognition of Coast Guard personnel for excellence in acquisition

(a) IN GENERAL.—Not later than 180 days after the date of enactment of the Coast Guard Authorization Act for Fiscal Years 2010 and 2011, the Commandant shall establish a management information system to recognize performance of an acquisition workforce.

(b) GIVEaways.—Not later than 18 months after the date of enactment of this section, the Commandant shall develop a comprehensive strategy for enhancing the role of Coast Guard project or program managers in developing and carrying out acquisition programs.

(c) MATTERS TO BE ADDRESSED.—The strategy required by this section shall address, at a minimum—

(i) the creation of a specific career path and career opportunities for individuals who are or may become project or program managers;

(ii) the provision of enhanced training and education opportunities for individuals who are or may become project or program managers;

(iii) the provision of mentoring support to current or former project or program managers by experienced senior executives and program managers within the Coast Guard, and through rotational assignments to the Department of the Treasury.

(iv) the methods by which the Coast Guard will collect and disseminate best practices and lessons learned on systems acquisition to enhance project and program management throughout the Coast Guard;

(v) the templates and tools that will be used to manage improved data gathering and analysis for project and program management and oversight purposes, including the metrics that will be utilized to assess the effectiveness of project or program managers in managing systems acquisition efforts; and

(vi) the methods by which the accountability of project or program managers is held for the results of acquisition projects and programs will be increased.

§ 564. Prohibition on use of lead systems integrators

(a) IN GENERAL.—Except as provided in subsection (b), the Commandant may not use a private sector entity as a lead systems integrator for an acquisition contract awarded or delivery order issued by the Commandant subject to the availability of appropriations, may award to any civilian employee recognized pursuant to the program a cash bonus to the extent that the performance of such individual so recognized warrants the award of such bonus.

(b) USE OF LEAD SYSTEMS INTEGRATOR.—

(1) IN GENERAL.—The Commandant shall use full and open competition for any acquisition contract awarded after the date of enactment of this Act, unless otherwise
excepted in accordance with Federal acquisition laws and regulations promulgated under those laws, including the Federal Acquisition Regulation.

"(b) EXCEPTIONS.—

"(1) NATIONAL DISTRESS AND RESPONSE SYSTEM MODERNIZATION PROGRAM; C4ISR; NAVAL SECURITY CUTTERS 2 AND 3.—Notwithstanding subsection (a), the Commandant may use a private sector entity as a lead systems integrator to complete the National Distress and Response System Modernization Program (otherwise known as the 'Rescue 21' program), the OCEANUS projects directly related to the Integrated Deepwater program, and National Security Cutters 2 and 3, if the Secretary of the department in which the Coast Guard is operating certifies that—

"(A) the acquisition is in accordance with Federal law and the Federal Acquisition Regulation; and

"(B) the acquisition and the use of a private sector lead systems integrator for the acquisition is in the best interest of the Federal Government.

"(2) PRIOR TO DECISIONMAKING PROCESS.—If the Commandant uses a private sector lead systems integrator for an acquisition, the Commandant shall notify in writing the appropriate congressional committees of the Commandant's determination and shall provide to such committees a detailed rationale for the determination, at least 30 days before the award of the contract or issuance of a delivery order or task order, using a private sector lead systems integrator, including a comparison of the cost of the acquisition through a private sector lead systems integrator with the expected cost if the acquisition were awarded directly to the manufacturer or shipyard. For purposes of that comparison, the cost of award directly to a manufacturer or shipyard shall include the costs of Government contract management and oversight.

"(3) LIMITATION ON LEAD SYSTEMS INTEGRATORS.—Neither an entity performing lead systems integrator functions for a Coast Guard acquisition program, or a Tier 1 subcontractor for any acquisition may have a financial interest in a subcontractor below the Tier 1 subcontractor level unless—

"(A) the subcontractor was selected by the prime contractor through full and open competition for such procurement;

"(B) the procurement was awarded by the lead systems integrator or subcontractor through full and open competition;

"(C) the procurement was awarded by a subcontractor through a process over which the lead systems integrator had exercised control or exercised no control; or

"(D) the Commandant has determined that the procurement was awarded in a manner consistent with acquisition laws and regulations promulgated under those laws, including the Federal Acquisition Regulation.

"(4) TERMINATION DATE FOR EXCEPTIONS.—Except as described in subsection (b)(1), the Commandant may not use a private sector entity as a lead systems integrator for acquisition contracts awarded, or task orders or delivery orders issued, after the earlier of—

"(1) September 30, 2011; or

"(2) the date on which the Commandant certifies in writing to the appropriate congressional committees that the Coast Guard has available and can retain sufficient acquisition, the Commandant shall make arrangements as appropriate with the Secretary of Defense for support in contracting and management of Coast Guard acquisition programs. The Commandant shall also seek opportunities to make use of Department of Defense contracts of other appropriate agencies, to obtain the best possible price for assets acquired for the Coast Guard.

"§ 565. Department of Defense consultation

"(a) IN GENERAL.—The Commandant shall make arrangements as appropriate with the

"§ 566. Undefinitized contractual actions

"(a) IN GENERAL.—The Coast Guard may not enter into an undefinitized contractual action unless such action is directly approved by the Head of Contracting Activity of the Coast Guard.

"(b) REQUIREMENTS FOR UNDEFINITIZED CONTRACTUAL ACTIONS.—Any request to the Head of Contracting Activity for approval of an undefinitized contractual action shall include a statement of how the award under the action will meet the needs of the Coast Guard and assets for which compliance with TEMPSST certification is a requirement, the standard for determining such compliance will be the air, surface, or shore standard then used by the Department of the Navy for that type of capability or asset; and

"(c) EVALUATION OF SUBMISSION.—With the recommendation of the Office of the Assistant Secretary of the Navy, the Commandant shall determine the maximum speed the cutter will be built to achieve.

"(d) ASSESSMENT.—Within 180 days after the date of enactment of the Coast Guard Authorization Act for fiscal years 2010 and 2011, the Commandant shall make arrangements as appropriate with the Secretary of Defense for support in contracting and management of Coast Guard acquisition programs. The Commandant shall also seek opportunities to make use of Department of Defense contracts of other appropriate agencies, to obtain the best possible price for assets acquired for the Coast Guard.

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"(c) EVALUATION OF SUBMISSION.—With the recommendation of the Office of the Assistant Secretary of the Navy, the Commandant shall determine the maximum speed the cutter will be built to achieve.

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"§ 568. Technical assistance
“(A) the end of the 180-day period beginning on the date on which the contractor submits a qualifying proposal to definitize the contractual terms, specifications, and price; or

(B) the date on which the amount of funds obligated under the contractual action is equal to more than 50 percent of the negotiated overall ceiling price for the contractual action.

(2) LIMITATION ON OBLIGATIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the contracting officer for an undefinitized contractual action may not obligate under such contractual action an amount that exceeds 50 percent of the negotiated overall ceiling price until the contractual terms, specifications, and price are definitized for such contractual action.

(B) EXCEPTION.—Notwithstanding subparagraph (A), if a contractor submits a qualifying proposal to definitize an undefinitized contractual action before an amount that exceeds 50 percent of the negotiated overall ceiling price is obligated on such action, the contracting officer for such action may not obligate with respect to such contractual action an amount that exceeds 50 percent of the negotiated overall ceiling price until the contractual terms, specifications, and price are definitized for such contractual action.

(3) WAIVER.—The Commandant may waive the application of this subsection with respect to a contract if the Commandant determines that the waiver is necessary to support—

(A) a contingency operation (as that term is defined in section 101(a)(13) of title 10);

(B) operations to prevent or respond to a terrorist security incident (as defined in section 7001(b)(6) of title 46);

(C) an operation in response to an emergency that poses an unacceptable threat to human health or safety or to the marine environment; or

(D) an operation in response to a natural disaster or major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5212 et seq.).

(4) LIMITATION ON APPLICATION.—This subsection does not apply to an undefinitized contractual action for the purchase of initial spares.

(5) DEDUCTION OF NONVEHICLE REQUIREMENTS.—Requirements for spare parts and support equipment that are not needed on an urgent basis may not be included in an undefinitized contractual action by the Coast Guard for which the Commandant determines such inclusion as being—

(A) good business practice; and

(B) in the best interests of the United States.

(6) MODIFICATION OF SCOPE.—The scope of an undefinitized contractual action under which performance has begun may not be modified unless the Commandant approves such modification as being—

(A) good business practice; and

(B) in the best interests of the United States.

(7) ALLOWABLE PROFIT.—The Commandant shall ensure that the profit allowed on an undefinitized contractual action for which the final price is negotiated after a substantial portion of the performance required is completed is—

(A) the possible reduced cost risk of the contractor with respect to costs incurred during performance of the contract before the final price is negotiated; and

(B) the reduced cost risk of the contractor with respect to costs incurred during performance of the remaining portion of the contract.

(8) DEFINITIONS.—In this section:

(A) UNDEFINITIZED CONTRACTUAL ACTION.—As provided in subparagraph (B), the term ‘undefinitized contractual action’ means a new procurement action entered into by the Coast Guard or any of its major commands, agencies, or authorities, for which the proposal contains sufficient information to enable complete and meaningful audits of the information contained in the proposal as determined by the contracting officer.

(B) QUALIFYING PROPOSAL.—The term ‘qualifying proposal’ means a proposal that contains sufficient information to enable complete and meaningful audits of the information contained in the proposal as determined by the contracting officer.

(c) MODIFICATION OF SCOPE.—The Commandant may modify a contract or subcontract and, if the modified contract or subcontract has an overall cost that exceeds 50 percent of the negotiated overall ceiling price until the contractual terms, specifications, and price are definitized for the contract or subcontract.

(d) ACCESS TO INFORMATION.—A Coast Guard contractor shall provide the Comptroller General access to information requested by the Comptroller General for the purpose of conducting the study required by this section.

(e) DEFINITIONS.—In this section:

(A) COAST GUARD CONTRACTOR.—The term ‘Coast Guard contractor’ includes any person that received at least $10,000,000 in contract awards from the Coast Guard in the calendar year covered by the annual report.

(B) COAST GUARD OFFICIAL.—The term ‘Coast Guard official’ includes former officers of the Coast Guard who were compensated at a rate of pay for grade O-7 or above during the calendar year to the date on which they separated from the Coast Guard, and former civilian employees of the Coast Guard who served at any Level of the Senior Executive Service or at any Level of the Senior Executive Service under chapter VIII of part 5 of title 5, United States Code, during the calendar year prior to the date on which they separated from the Coast Guard.

SUBCHAPTER II—IMPROVED ACQUISITION PROCESS AND PROCEDURES

§571. Identification of major system acquisitions

(a) IN GENERAL.—

(1) SUPPORT MECHANISMS.—The Commandant shall develop and implement mechanisms to support the establishment of mature and stable operational requirements for all acquisitions.

(2) MISSION ANALYSIS; AFFORDABILITY ASSESSMENT.—The Commandant may not initiate a Level 1 or Level 2 acquisition project or program until the Commandant—

(A) completes a mission analysis that—

(i) identifies the specific capability gaps to be addressed by the project or program; and

(ii) develops a clear mission need to be addressed by the project or program; and

(B) prepares a preliminary affordability assessment for the project or program.

(2) ELEMENTS.—

(1) REQUIREMENTS.—The mechanisms required by subsection (a) shall include the implementation of a formal process for the development of a mission-needs statement, concept-of-operations document, capability development plan, and resource proposal for the initial project or program funding, and shall ensure the project or program is included in the Coast Guard Capital Investment Plan.

(2) ASSESSMENT OF TRADE-OFFS.—In conducting an affordability assessment under subsection (a)(2) the Commandant shall develop and implement mechanisms to ensure that trade-offs among cost, schedule, and performance are considered in the establishment of preliminary operational requirements, the development and production of new assets and capabilities for Level 1 and Level 2 acquisitions projects and programs.

(3) HUMAN RESOURCE CAPITAL PLANNING.—The Commandant shall develop and implement mechanisms to ensure that, when developing, implementing, and monitoring major acquisition programs, the workforce has the requisite human capital qualifications and capabilities to support the objective of the acquisition.
needs required to implement each Level 1 and Level 2 acquisition project and program.

§ 572. Acquisition

(a) In General.—The Commandant may not establish a Level 1 or Level 2 acquisition project or program unless the Commandant:

(1) clearly defines the operational requirements for the project or program;

(2) establishes the feasibility of alternatives;

(3) develops an acquisition project or program baseline;

(4) produces a life-cycle cost estimate; and

(5) assesses the relative merits of alternatives to determine a preferred solution in accordance with the requirements of this section.

(b) Submission Required Before Proceeding.—Any Coast Guard Level 1 or Level 2 acquisition project or program may not begin to obtain any capability or asset or proceed beyond that phase of its development that entails approving the supporting acquisition until the Commandant submits to the appropriate congressional committees the following:

(1) the key performance parameters, the key system attributes, and the operational performance attributes of the capability or asset to be acquired under the proposed acquisition project or program;

(2) a detailed list of the systems or other capabilities with which the capability or asset to be acquired is intended to be interoperable, including a description of the attributes of interoperability;

(3) the anticipated acquisition project or program baseline and acquisition unit cost for the asset to be acquired under the project or program;

(4) a detailed schedule for the acquisition process, including an assessment of likely disposal costs and when all acquired capabilities and assets are to be initially and fully deployed.

(c) Analysis of Alternatives—

(1) In General.—The Coast Guard may not acquire an experimental or technically immature capability or asset or implement a Level 1 or Level 2 acquisition project or program, unless it has prepared an analysis of alternatives for the capability or asset to be acquired in the concept and technology development phase of the acquisition process for the capability or asset.

(2) Requirements.—The analysis of alternatives prepared by a federal, university- or industry-sponsored research and development center, a qualified entity of the Department of Defense, or a similar independent third-party entity that has appropriate acquisition expertise and has no financial interest in any part of the acquisition project or program that is the subject of the analysis. At a minimum, the analysis of alternatives shall include:

(A) an assessment of the technical maturity of the capability or asset, and technical and other risks;

(B) an examination of capability, interoperability, and other advantages and disadvantages;

(C) an examination of whether different combinations or quantities of specific assets or capabilities could meet the Coast Guard’s overall performance needs;

(D) a discussion of key assumptions and variables, and sensitivity to change in such assumptions and variables;

(E) when an alternative is an existing capability, asset, or prototype, an examination of the safety and performance records and costs;

(F) a calculation of life-cycle costs including—

(i) an examination of likely research and development costs and the levels of uncertainty associated with such estimated costs;

(ii) an examination of likely operating and support costs and the levels of uncertainty associated with such estimated costs;

(iii) an examination of likely disposal costs and the levels of uncertainty associated with such estimated costs;

(iv) if they are likely to be significant, an examination of costs that are considered necessary and the levels of uncertainty associated with such estimated costs; and

(v) such additional measures as the Commandant or the Commandant’s independent entity in which the Coast Guard is operating determines to be necessary for appropriate evaluation of the life-cycle costs associated with a viable alternative.

(2) Test and Evaluation Master Plan.—(a) In General.—For any Level 1 or Level 2 acquisition project or program the Chief Acquisition Officer must approve a test and evaluation master plan specific to the acquisition project or program for the capability, asset, or subsystems of the capability or asset and intended to minimize technical, cost, and schedule risk as early as practicable in the development of the project or program.

(b) Test and Evaluation Strategy.—The master plan shall:

(A) set forth an integrated test and evaluation strategy that will verify that capability-level or asset-level and subsystem-level design and inclusion of performance and supportability, have been sufficiently proven before the capability, asset, or subsystem of the capability or asset is approved for production; and

(B) require that adequate developmental tests and evaluations and operational tests and evaluations established under subparagraph (a) are performed to inform production decisions.

(c) Other Components of the Master Plan.—At a minimum, the master plan shall identify:

(A) the key performance parameters to be resolved through the integrated test and evaluation strategy;

(B) critical operational issues to be assessed in addition to the key performance parameters;

(C) specific development test and evaluation phases and the scope of each phase;

(D) modeling and simulation activities to be performed, if any, and the scope of such activities;

(E) early operational assessments to be performed, if any, and the scope of such assessments;

(F) operational test and evaluation phases;

(G) an estimate of the resources, including funds, that will be required for all test, evaluation, and demonstration requirements applied by contract specifications, acceptable operational performance requirements, and system security requirements.

(3) Limitation.—The Coast Guard may not:

(A) proceed beyond that phase of the acquisition process that entails approving the supporting acquisition of a capability or asset for which a master plan is required by this section before the master plan is approved by the Chief Acquisition Officer; or

(B) award any production contract for a capability, asset, or subsystem for which a master plan is required under this subsection before the master plan is approved by the Chief Acquisition Officer.

(d) Life-Cycle Cost Estimates.—

(1) In General.—The Commandant shall implement mechanisms to ensure the development and regular updating of life-cycle cost estimates for each capability that entail a total acquisition cost that equals or exceeds $10,000,000 and an expected service life of 10 or more years, and to ensure that these estimates consider in decisions to develop or produce new or enhanced capabilities and assets.

(2) Types of Estimates.—In addition to life-cycle cost estimates that may be developed by acquisition program offices, the Commandant shall require that an independent life-cycle cost estimate be developed for each Level 1 or Level 2 acquisition project or program.

(3) Required Updates.—For each Level 1 or Level 2 acquisition project or program the Commandant shall require that life-cycle cost estimates shall be updated before each milestone decision is concluded and the project or program enters a new acquisition phase.

§ 573. Preliminary development and demonstration

(a) In General.—The Commandant shall ensure that developmental and demonstration, operational test and evaluation, life-cycle cost estimates, and the development and demonstration requirements required by this chapter to acquisition projects and programs are met to confirm that the projects or programs meet the requirements identified in the mission analysis and affordability assessment prepared under section 571(a)(2), the operational requirements developed under section 572(a)(3) and the following developmental and demonstration objectives:

(1) To demonstrate that the design, manufacturing, and production solution is based upon a cost-enabled, producible, and cost-effective product design.

(2) To ensure that the product capabilities meet contract specifications, acceptable operational performance requirements, and system security requirements.

(3) To ensure that the product design is mature enough to commit to full production and deployment.

(b) Tests and Evaluations.—

(1) In General.—The Commandant shall ensure that the Coast Guard conducts developmental and demonstration, operational tests and evaluations of a capability or asset and the subsystems of the capability or asset in accordance with the master plan prepared for the capability or asset under section 572(a)(1).

(2) Use of Third Parties.—The Commandant shall ensure that the Coast Guard uses independent third parties with expertise in testing and evaluating the capabilities or assets and the subsystems of the capabilities or assets being acquired to conduct developmental and demonstration tests and evaluations whenever the Coast Guard lacks the capability to conduct the tests and evaluations required by a master plan.

(3) Communication of Safety Concerns.—

The Commandant shall require that safety concerns identified during developmental and demonstration or operational tests and evaluations or through independent or Government-conducted design assessments of capabilities or assets and subsystems of capabilities or assets to be acquired by the Coast Guard shall be communicated as soon as practicable, but not later than 30 days after the completion of the test or demonstration event to the Coast Guard, which identified the safety concern, to the program manager for the capability or asset and the subsystems concerned and to the Chief Acquisition Officer.

(4) Reporting of Safety Concerns.—Any safety concerns that have been reported to
the Chief Acquisition Officer for an acquisition program or project shall be reported by the Commandant to the appropriate congressional committees at least 90 days before the award of or issuance of any delivery order or task order for low, initial, or full-rate production of the capability or asset concerned if they will remain uncorrected at the time such a contract is awarded or delivery order or task order is issued. The report shall include a justification for the approval of that level of production of capability or asset before the safety concerns are corrected or mitigated. The report shall also include an explanation of why that will be incorrect or mitigate the safety concerns, the date by which those actions will be taken, and the adequacy of current funding to correct or mitigate the safety concerns."

"(5) ASSET ALREADY IN LOW, INITIAL, OR FULL-RATE PRODUCTION.—If operational test and evaluation of a capability or asset already in low, initial, or full-rate production identifies a safety concern with the capability or asset or any subsystems of the capability or asset not previously identified during developmental or operational test and evaluation, the Commandant shall—

"(A) notify the program manager and the Chief Acquisition Officer of the safety concern not correctable, but not later than 30 days after the completion of the test and evaluation event or activity that identified the safety concern; and

"(B) notify the Chief Acquisition Officer and include in such notification—

"(i) an explanation of the actions that will be taken or corrective action to correct or mitigate the safety concern in all capabilities and assets and subsystems of the capabilities or assets yet to be produced, and the date by which those actions will be taken; and

"(ii) an explanation of the actions that will be taken to correct or mitigate the safety concern in previously produced capabilities or assets and subsystems of the capabilities or assets, and the date by which those actions will be taken; and

"(iii) an assessment of the adequacy of current funding to correct or mitigate the safety concern in capabilities or assets and subsystems of the capabilities or assets and in previously produced capabilities or assets and subsystems of the capabilities or assets and in previously produced capabilities or assets; and

"(c) TECHNICAL CERTIFICATION.—

"(1) IN GENERAL.—The Commandant shall ensure that any Level 1 or Level 2 acquisition program or project is certified by the technical authority of the Coast Guard after review by an independent third party with capabilities to review acquisition program or project baseline, area, asset, or particular asset component.

"(2) TEMPEST TESTING.—The Commandant shall—

"(A) ensure all electronics on all aircraft, surface, and shore capabilities and assets that require TEMPEST certification and that are delivered after the date of enactment of the Coast Guard Authorization Act of 2010 to be tested in accordance with TEMPEST standards and communications security (comsec) standards by an independent third party that is authorized by the Federal Government to perform such testing; and

"(B) certify that the assets meet all applicable TEMPEST requirements.

"(3) CUTTER CLASSIFICATION.—

"(A) IN GENERAL.—The Commandant shall cause each cutter, other than a National Security Cutter, acquired by the Coast Guard and delivered after the date of enactment of the Coast Guard Authorization Act of 2010 to beclassified by the American Bureau of Shipping before final acceptance.

"(B) CUTTER CLASSIFICATION.—

"(i) The American Bureau of Shipping shall classify the cutter as a National Security Cutter, if, during the 180 days after the date on which the cutter is completed, the cutter enjoys the same cargo-carrying capacity as a National Security Cutter, and achieves full operational capability.

"§ 574. Acquisition, production, deployment, and support

"(a) IN GENERAL.—The Commandant shall—

"(1) ensure there is a stable and efficient production and support capability to develop an asset or capability for the Coast Guard;

"(2) conduct follow-on testing to confirm and monitor performance and correct deficiencies; and

"(3) conduct acceptance tests and trials prior to the delivery of each asset or system to ensure the delivered asset or system achieves full operational capability.

"(b) ELEMENTS.—The Commandant shall—

"(1) execute production contracts;

"(2) ensure that delivered assets and capabilities meet operational cost and schedules requirements established in the acquisition program baseline;

"(3) validate manpower and training requirements to meet system needs to operate, maintain, support, and instruct the assets or capabilities; and

"(4) prepare an acquisition project or program transition plan to enter into programmatic sustainment, operations, and support.

"§ 575. Acquisition program baseline breach

"(a) IN GENERAL.—The Commandant shall submit a report to the appropriate congressional committees and the Committee on Homeland Security of the House of Representatives as soon as possible, but no later than 30 days, after the Chief Acquisition Officer of the Coast Guard becomes aware of the breach of an acquisition program baseline for any Level 1 or Level 2 acquisition program or project, the asset or capability for the Coast Guard; and

"(b) CONTENT.—The report submitted under subsection (a) shall include—

"(1) a detailed description of the breach and an explanation of its cause;

"(2) the projected impact to performance, cost, and schedule;

"(3) an updated acquisition program baseline and the complete history of changes to the original acquisition program baseline; and

"(4) the updated acquisition schedule and the complete history of changes to the original schedule;

"(d) FULL LIFE-CYCLE COST ANALYSIS.—The Commandant shall ensure that any Level 1 or Level 2 acquisition project or program of the Coast Guard, the Commandant shall include in the report a full life-cycle cost analysis, with a supporting explanation, that—

"(1) the capability or asset or capability or asset class to be acquired under the project or program is essential to the accomplishment of Coast Guard missions;

"(2) there are no alternatives to such capability or asset or capability class that provide equal or greater capability in both a more cost-effective and timely manner;

"(3) the new acquisition schedule and estimates for total acquisition cost are reasonable; and

"(4) the management structure for the acquisition program is adequate to manage and control performance, cost, and schedule.

"§ 576. Acquisition approval authority

"Nothing in this subchapter shall be construed as altering or diminishing in any way the statutory authority and responsibility of the Secretary of the department in which the Coast Guard is operating, or the Secretary's designee, to—

"(1) manage and administer department procurements, including procurements by department components, as required by section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341); or

"(2) manage department acquisition activities and act as the Acquisition Decision Authority with regard to the review or approval of a Coast Guard Level 1 or Level 2 acquisition project or program of the Coast Guard.

"§ 580. Definitions

"In this chapter:

"(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

"(2) CHIEF ACQUISITION OFFICER.—The term ‘Chief Acquisition Officer’ means the officer appointed under section 56 of this title.

"(3) COMMANDANT.—The term ‘Commandant’ means the Commandant of the Coast Guard.

"(4) LEVEL 1 ACQUISITION.—The term ‘Level 1 acquisition’ means—

"(i) an acquisition by the Coast Guard—

"(I) the estimated life-cycle costs of which exceed $1,000,000,000; or

"(II) the estimated total acquisition costs of which exceed $300,000,000; or

"(B) any acquisition that the Chief Acquisition Officer of the Coast Guard determines to have a special interest—

"(I) the experimental or technically immature nature of the asset;
“(11) the technological complexity of the asset; 
(11) the commitment of resources; or 
(14) the nature of the capability or set of capabilities to be achieved; or 
(ii) because such acquisition is a joint acquisition.

(5) Level 2 Acquisition.—The term ‘Level 2 acquisition’ means an acquisition by the Coast Guard— 
(A) the estimated life-cycle costs of which are equal to or less than $1,000,000,000, but greater than $300,000,000; 
(B) the estimated total acquisition costs of which are equal to or less than $300,000,000, but greater than $100,000,000.

(6) Level 3 Acquisition.—The term ‘level-life cycle cost’ means all costs for development, procurement, construction, and operations and support for a particular capability or asset, without regard to funding source or management control.

(7) Project or Program Manager Defined.—The term ‘project or program manager’ means an individual designated— 
(A) to develop, produce, and deploy a new asset to meet identified operational requirements; and 
(B) to manage cost, schedule, and performance of the acquisition, project, or program.

(8) Safety Concern.—The term ‘safety concern’ means any hazard associated with a capability or asset or a subsystem of a capability or asset that is likely to cause serious bodily injury or death to a typical Coast Guard user in testing, maintaining, repairing, or operating the capability, asset, or subsystem, and any hazard associated with the capability, asset, or subsystem that is likely to cause serious bodily injury or death to the capability, asset, or subsystem during the course of its normal operation by a typical Coast Guard user.

(9) Developmental Test and Evaluation.—The term ‘developmental test and evaluation’ means— 
(A) the testing of a capability or asset and the subsystems of the capability or asset to determine whether they meet all contractual performance requirements, including technical performance requirements, supportability requirements, and interoperability requirements and related specifications; and 
(B) the evaluation of the results of such testing.

(10) Operational Test and Evaluation.—The term ‘operational test and evaluation’ means— 
(A) the testing of a capability or asset and the subsystems of the capability or asset, under conditions similar to those in which the capability or asset and subsystems will actually be deployed, for the purpose of determining the effectiveness and suitability of the capability or asset and subsystems for use by typical Coast Guard users to conduct those missions for which the capability or asset and subsystems are intended to be used; and 
(B) the evaluation of the results of such testing.

(11) Acquisition workforce expedited hiring authority.—The term ‘acquisition workforce expedited hiring authority’ means— 
(A) the provisions of the title 5 United States Code, as added by this Act, to manage cost, schedule, and performance of the acquisition, project, or program.

SEC. 404. ACQUISITION WORKFORCE EXPEDITED HIRING AUTHORITY.

(a) In General.—For purposes of sections 3304, 3333, and 5753 of title 5, United States Code, the Commandant of the Coast Guard may— 
(1) designate any category of acquisition positions within the Coast Guard as shortage category positions; and 
(2) use the authorities in such sections to recruit and appoint highly qualified persons directly to positions so designated.

(b) Limitation.—The Commandant may not appoint a person to a position of employment under this paragraph after September 30, 2012.

(c) Reports.—The Commandant shall include in reports under section 562(d) of title 14, United States Code, as added by this title, information described in that section regarding positions designated under this section.

TITLE V—COAST GUARD MODERNIZATION

SEC. 501. SHORT TITLE.

This title may be cited as the ‘‘Coast Guard Modernization Act of 2010’’.

Subtitle A—Coast Guard Leadership

SEC. 511. VICE ADMIRALS.

(a) In General.—Section 50 of such title is amended to read as follows: 

‘‘§ 50. Vice admirals

(1) The President may designate no more than 4 positions of importance and responsibility that shall be held by officers who— 
(A) while so serving, shall have the grade of vice admiral, with the pay and allowances of that grade; and 
(B) shall perform such duties as the Commandant may prescribe.

(2) The President may appoint, by and with the advice and consent of the Senate, to any such position an officer of the Coast Guard who is serving on active duty above the grade of captain.

The Commandant shall make recommendations for such appointments.

(3) (A) Except as provided in subparagraph (B), one of the vice admirals designated under paragraph (1) must have at least 10 years experience in vessel inspection, marine casualty investigations, marine engineering, or computer science. 
(B) The designee must have expertise in the design and construction of commercial vessels, with at least 4 years of leadership experience at a staff or unit command level and shall serve as the principal advisor to the Commandant on these issues.

(b) The requirements of subparagraph (A) do not apply to such vice admiral if the subordinate officer serving in the grade of rear admiral with responsibilities for maritime safety, security, and stewardship possesses that experience.

(c) The appointment and the grade of vice admiral shall be effective on the date the officer assumes the position prescribed under paragraph (2) of this subsection or in section 51(d) of this title, shall terminate on the date the officer is detached from that duty, or at such other time as the Commandant may prescribe.

(d) An officer who is appointed to a position designated under subsection (a) shall continue to hold the grade of vice admiral while serving in a position designated under subsection (a), beginning on the date the officer is detached from that duty.

(e) An appointing authority may accept the resignation of an officer under subsection (a) if the officer is found to have violated any law or regulation.

(f) An officer designated under subsection (a) must be appointed by the Secretary of Homeland Security Inspector General’s

SEC. 512. VICE ADMIRALS.

(a) In General.—The President may designate no more than 4 positions of importance and responsibility that shall be held by officers who— 
(A) while so serving, shall have the grade of vice admiral, with the pay and allowances of that grade; and 
(B) shall perform such duties as the Commandant may prescribe.

(b) The President may appoint, by and with the advice and consent of the Senate, to any such position an officer of the Coast Guard who is serving on active duty above the grade of captain.

The Commandant shall make recommendations for such appointments.

(c) The requirements of subparagraph (A) do not apply to such vice admiral if the subordinate officer serving in the grade of rear admiral with responsibilities for maritime safety, security, and stewardship possesses that experience.

(d) An officer who is appointed to a position designated under subsection (a) shall continue to hold the grade of vice admiral while serving in a position designated under subsection (a), beginning on the date the officer is detached from that duty.

(e) An appointing authority may accept the resignation of an officer under subsection (a) if the officer is found to have violated any law or regulation.

(f) An officer designated under subsection (a) must be appointed by the Secretary of Homeland Security Inspector General’s
as having been continued at the grade of rear admiral.’’.

(f) Clerical Amendments.—

(1) The section caption for section 47 of such title is amended to read as follows—

‘‘§ 47. Vice commandant; appointment’’.

(2) The section caption for section 52 of title 14, United States Code, is amended to read as follows—

‘‘§ 52. Vice admirals and admiral, continuity of grade’’.

(3) The table of contents for chapter 3 of such title is amended—

(A) by striking the item relating to section 47 and inserting the following:

‘‘§ 47. Vice commandant; appointment’’;

(B) by striking the item relating to section 50a;

(C) by striking the item relating to section 50 and inserting the following:

‘‘§ 50. Vice admirals.’’; and

(D) by striking the item relating to section 52 and inserting the following:

‘‘§ 52. Vice admirals and admiral, continuity of grade.’’

(g) Technical Correction.—Section 47 of such title is further amended by striking ‘‘subsection’’ in the fifth sentence and inserting ‘‘section’’.

(h) Treatment of Incumbents; Transition—

(1) Notwithstanding any other provision of law, at any time, on the date of enactment of this Act, is serving as Chief of Staff, Commander, Atlantic Area, or Commander, Pacific Area—

(A) shall continue to have the grade of vice admiral with pay and allowance of that grade until such time that the officer is relieved of his duties and appointed and confirmed to another position as a vice admiral or admiral; or

(B) for the purposes of transition, may continue at the grade of vice admiral with pay and allowance of that grade, for not more than 1 year after the date of enactment of this Act, to perform the duties of the officer’s former position and any other such duties that the Commandant prescribes.

Subtitle B—Workforce Expertise

SEC. 521. PREVENTION AND RESPONSE STAFF.

(a) In General.—Chapter 3 of title 14, United States Code, is amended by adding at the end the following:

‘‘§ 57. Prevention and response workforces

(a) Career Paths.—The Secretary, acting through the Commandant, shall ensure that appropriate career paths for civilian and military personnel who wish to pursue career paths in prevention or response positions are identified in terms of the education, training, experience, and assignments necessary for career progression of civilians and members of the Armed Forces to the most senior prevention or response positions, as appropriate. The Secretary shall make available published information on such career paths.

(b) Qualifications for Certain Assignments.—An officer, member, or civilian employee of the Coast Guard assigned as a—

(1) marine inspector, qualified to inspect vessels, vessel systems, and equipment commonly found in the sector; and

(2) marine safety engineer, shall hold a letter of qualification for marine safety personnel must hold a letter of qualification for the type being certified.

(c) Sector Chief of Prevention.—There shall be in each Coast Guard sector a Chief of Prevention who shall be at least a Lieutenant Commander or civilian employee within the grade GS-13 of the General Schedule, and who shall—

(1) act as advisor to the Commandant on matters concerning—

(A) the construction and operation of commercial vessels;

(B) the operation and maintaining the safe operation of the center or to enhance the operations of the Armed Forces to carry out any responsibility or duty in a fair and objective manner; or

(C) the integrity of any program of the Coast Guard or any person involved in such a program.

(b) The Commandant may accept a donation under paragraph (1) if the acceptance of the donation would compromise or appear to compromise—

(1) the ability of the Coast Guard or the department in which the Coast Guard is operating, any employee of the Coast Guard or the department, any member of the Armed Forces to carry out any responsibility or duty in a fair and objective manner; or

(2) the integrity of any program of the Coast Guard or any person involved in such a program.

(2) the specific benefit that accrues to the Coast Guard or the department in which the Coast Guard is operating, any employee of the Coast Guard or the department, any member of the Armed Forces to carry out any responsibility or duty in a fair and objective manner; or

(3) the specific benefit that accrues to the Coast Guard for each assignment.’’.

‘‘§ 59. Marine industry training program

(a) In General.—The Commandant shall, by policy, establish a program under which an officer, member, or employee of the Coast Guard may be assigned to a private entity to further the institutional interests of the Coast Guard with regard to marine safety, provide the purposes of training the officer, member, or employee of the Coast Guard, shall include provisions, consistent with sections 702 through 705 of title 5, as to matters concerning—

(A) the duration and termination of assignments;

(B) reimbursements; and

(C) status, entitlements, benefits, and obligations of program participants; and

(d) Except as provided in paragraph (2), the specific benefit that accrues to the Coast Guard in the performance of its missions and specialties; and

(3) perform any other missions as the Commandant may specify.

(c) Joint Operation With Educational Institution Authorized.—The Commandant may enter into an agreement with an appropriate official of an institution of higher education to—

(1) provide for joint operation of a center; and

(2) provide necessary administrative services for a center, including administration and allocation of funds.

(d) Acceptance of Donations.—

(1) Except as provided in paragraph (2), the Commandant may accept, on behalf of a center, donations to be used to defray the costs of a center or to enhance the operation of the center. Those donations may be accepted from any State or local government, any foreign government, any foundation or other charitable organization (including any that is organized or operates under the laws of a foreign country), or any individual.

(2) The Commandant may accept a donation under paragraph (1) if the acceptance of the donation would compromise or appear to compromise—

(A) the ability of the Coast Guard or the department in which the Coast Guard is operating, any employee of the Coast Guard or the department, any member of the Armed Forces to carry out any responsibility or duty in a fair and objective manner; or

(B) the integrity of any program of the Coast Guard, the department in which the Coast Guard is operating, or any person involved in such a program.

(e) Time of Reporting.—The Commandant shall transmit, in writing, a list of the donations accepted under subsection (d) to the Committee on Transportation and Infrastructure of the Senate by December 1 of each year on the adequacy of the current marine safety workforce to meet that anticipated workload.

‘‘§ 58. Centers of expertise for Coast Guard prevention and response

(a) Establishment.—The Commandant of the Coast Guard may establish and operate one or more centers of expertise for prevention and response missions of the Coast Guard (in this section referred to as a ‘‘center’’).

(1) Each center shall—

(A) promote and facilitate education, training, and research; and

(B) develop a repository of information on its missions and specialties; and

(2) the specific benefit that accrues to the Coast Guard for each assignment.’’.\n\h28SEPT1smartinez on DSKB9S0YB1PROD with HOUSE
(b) CLERICAL AMENDMENT.—The table of sections at the beginning of this chapter is further amended by adding at the end the following new items:

712. Amendments made by this section.

SEC. 524. APPEALS AND WAIVERS.

(a) In General.—Chapter 21 of title 46, United States Code, is amended by adding at the end the following new section:

2116. Marine safety strategy, goals, and performance assessments

"(a) LONG-TERM STRATEGY AND GOALS.—In conjunction with existing federally required strategies and goals, the Commandant shall develop a long-term strategy for improving vessel safety and the safety of individuals on vessels. The strategy shall include the issuance each year of an annual plan and schedule for achieving the following goals:

"(1) Reducing the number and rates of marine casualties;

"(2) Improving the consistency and effectiveness of vessel and operator enforcement and compliance programs;

"(3) Identifying and targeting enforcement efforts at vessels and operators;

"(4) Improving research efforts to enhance and promote vessel and operator safety and performance.

(b) CONTENTS OF STRATEGY AND ANNUAL PLANS.—

"(1) MEASURABLE GOALS.—The strategy and annual plans shall include specific numeric or measurable goals designed to achieve the goals set forth in subsection (a). The purposes of the numeric or measurable goals are the following:

"(A) To increase the number of safety examinations on all high-risk vessels;

"(B) To eliminate the backlog of marine safety-related rulemakings;

"(C) To improve the quality and effectiveness of marine safety information databases by ensuring that all Coast Guard personnel accurately and effectively report all safety, casualty, and injury information.

"(D) To provide for a sufficient number of Coast Guard marine safety personnel, and provide adequate facilities and equipment to carry out the functions referred to in section 93(c).

"(2) RESOURCE NEEDS.—The strategy and annual plans shall include estimates of:

"(A) The funded staffing and resources needed to accomplish each activity included in the strategy and plans; and

"(B) The staff skills and training needed for timely and effective accomplishment of each goal.

(c) SUBMISSION WITH THE PRESIDENT'S BUDGET.—Beginning with fiscal year 2011 and each fiscal year thereafter, the Secretary shall submit to Congress the strategy and annual plan not later than 60 days following the time the President’s budget submission under section 1105 of title 31.

(d) ACHIEVEMENT OF GOALS.—The program, as established under subsection (b); and

"(1) PROGRESS ASSESSMENT.—The Commandant shall assess the progress of the Coast Guard toward achieving the goals set forth in subsection (b). The Commandant shall report to the Secretary of Transportation on the progress of the Commandant to the employees of the marine safety workforce and shall identify any deficiencies that should be remedied before the next progress assessment.

"(2) REPORT TO CONGRESS.—The Secretary shall report annually to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on Coast Guard’s efforts to recruit and retain civilian marine inspectors and investigators and the impact of such recruitment and retention efforts on Coast Guard organizational performance.

TITLE VI—MARINE SAFETY

SEC. 601. SHORT TITLE.

This title may be cited as the “Maritime Safety Act of 2010”.

SEC. 602. VESSEL SIZE LIMITS.

(a) LENGTH, TONNAGE, AND HORSEPOWER.—

Title II of division C of Public Law 105–277; and is eligible for a fishery endorsement under this section; or

"(2) prevents the sale of a vessel to any other person or entity.

"(3) the reporting and investigation of marine casualties and accidents;

"(4) the licensing, certification, documentation, protection and relief of merchant seamen;

"(5) suspension and revocation of licenses and certificates;

"(6) enforcement of manning requirements, citizenship requirements, control of log books;

"(7) documentation and numbering of vessels;

"(8) State boating safety programs;

"(9) commercial instruments and maritime liens;

"(10) the administration of bridge safety;

"(11) the administration of the navigation rules;

"(12) the prevention of pollution from vessels;

"(13) ports and waterways safety;

"(14) waterways management; including regulation for regattas and marine parades;

"(15) aids to navigation;

"(16) the exercise of authority under section 91 of this title; or

"(2) the exercise of authority under title 46 of the American Fisheries Act (title II of division C of Public Law 105–277; 112 Stat. 2681–673) and is eligible for a fishery endorsement under this section; or

"(D) the vessel is a fish tender vessel that is not engaged in the harvesting or processing of fish.

"(b) CONFORMING AMENDMENTS.—

"(1) VESSEL REBUILDING AND REPLACEMENT.—Section 208(g) of the American Fisheries Act (title II of division C of Public Law 105–277; 112 Stat. 2681–673) is amended to read as follows:
(g) Vessel Rebuilding and Replacement.

(1) In general.—Notwithstanding the requirements to the contrary, vessels may be rebuilt, replacing, rebuilding, or lengthening vessels or transferring permits or licenses to a replacement vessel contained in sections 679.2 and 679.4 of title 50, Code of Federal Regulations, as in effect on the date of enactment of the Coast Guard Authorization Act of 2010 and except as provided in paragraph (4), the owner of a vessel eligible under subsection (a), (b), or (c) of section 12113 of title 46, United States Code, may re- place that vessel (including fuel efficiency) with a vessel in accordance with a fishery endorsement under section 12113 of title 46, United States Code.

(2) Same requirements.—The rebuilt or replacement vessel shall be eligible in the same manner and subject to the same re- strictions and limitations under such subsection as the vessel being rebuilt or replaced.

(3) Transfer of permits and licenses.—Each fishing permit and license held by the owner of a vessel or vessels to be rebuilt or replaced under paragraph (1) may be transferred to the rebuilt or replacement vessel or its owner, as necessary to permit such rebuilt or replacement vessel to participate in the fishery, as the vessel prior to the rebuilding or the vessel it replaced, respectively.

(4) Recommendations of north pacific fishery management council.—The North Pacific Fishery Management Council may recommend for approval by the Secretary such conservation and management measures, including size limits and areas to control fishing capacity, in accordance with the Magnuson-Stevens Act as it considers necessary to ensure that this subsection does not diminish the effectiveness of fishery management plans of the Bering Sea and Aleutian Islands Management Area or the Gulf of Alaska.

(5) Special rule for replacement of certain vessels.—(A) In general.—Notwithstanding the requirements of sections (b)(2) and (c)(2) of section 12113 of title 46, United States Code, a vessel that is eligible under subsection (a), (b), (c), or (e) and that qualifies with a fishery endorsement pursuant to section 212(g) may be replaced with a replacement vessel under paragraph (1) if the vessel that is replaced is validly documented with a fishery endorsement pursuant to section 212(g) before the replacement vessel is documented with a fishery endorsement under section 12113 of title 46, United States Code.

(B) Applicability.—A replacement vessel under subparagraph (A) and its owner and mortgagee are subject to the same limitations under section 233(g) that are applicable to the vessel that has been replaced and its owner and mortgagee.

(d) Special rules for certain catcher vessels on which fisheries managers have provided instruction and drills.—(1) in a vessel eligible under subsection (a), (b), or (c) that is rebuilt to increase its registered length, gross tonnage, or draft horsepower.

(2) Limitation on fishery endorsement.—Any vessel that is replaced under this subsection shall thereafter not be eligi- ble for a fishery endorsement under section 12113 of title 46, United States Code, unless that vessel is a replacement vessel described in paragraph (1).

(3) Gulf of Alaska Limitation.—Notwithstanding section 12113(d) of such Act, the Secretary shall prohibit from participation in the groundfish fisheries of the Gulf of Alaska any vessel that is rebuilt or replaced under this subsection and that exceeds the maximum length overall specified on the license that authorizes fishing for groundfish pursuant to such license or under any permit issued pursuant to section 679 of such Act, as in effect on the date of enactment of the Coast Guard Authorization Act of 2010.

(4) Authority of Pacific Council.—Nothing in this section shall be construed to diminish or otherwise affect the authority of the Pacific Council to recommend to the Secretary conservation and management measures to protect fisheries under its juris- diction (including the Pacific whiting fishery) and participants in such fisheries from adverse impacts caused by this Act.

(5) Repeal of exemption of certain vessels.—Section 203(g) of the America n Fisheries Act (title II of division C of Public Law 105-277; 122 Stat. 2681-620) is repealed.

(6) Fishery Cooperative Exit Provisions.—Section 210(b) of the American Fisheries Act (title II of division C of Public Law 105-277; 122 Stat. 2681-620) is amended—

(A) by moving the matter beginning with the Secretary shall' in paragraph (1) 2 ems to the right; and

(B) by adding at the end the following:

(7) Fishery cooperative exit provi- sions.—(A) Fishing allowance determination.—For purposes of determining the aggregate percentage of directed fishing allowances under paragraph (1), when a catcher vessel is removed from the directed pollock fishery, the fishery allowance for pollock for the vessel being removed—

(1) shall be based on the catch history determined for the vessel made pursuant to section 679.2 of title 50, Code of Federal Regula- tions, as in effect on the date of enactment of the Coast Guard Authorization Act of 2010; and

(ii) shall be assigned, for all purposes under this title, in the manner specified by the Secretary to the owner of the vessel being removed to any other catcher vessel or among other catcher vessels participating in the fishery cooper- ative if such vessel or vessels remain in the fishery cooperative the following year, one year after the date on which the vessel being re- moved leaves the directed pollock fishery.

(B) Eligibility for fishery endorse- ments.—Except as provided in subparagraph (C), a vessel that is removed pursuant to this paragraph shall be permanently ineligible for a fishery endorsement, and any claim (including relating to catch history) associated with such vessel that could qualify any owner of such vessel for any permit to par- ticipate in any fishery within the exclusive economic zone of the United States shall be extinguished, unless such removed vessel is thereafter designated to replace a vessel to be removed pursuant to this paragraph.

(C) Vessel Reconstruction.—Nothing in this paragraph shall be construed—

(1) to make the vessels J (United States number 678234), DONA MARITTA (United States official number 653751), NORDIC EXPLORER (United States official num- ber 678234), and PROVIDIAN (United States official number 1002183) ineligible for a fishery endorsement or any permit necessary to participate in any fishery under the author- ity of the Council established under section 303 of the Magnu- son-Stevens Act or the Council established under section 303 of the Magnuson-Stevens Act, except as provided in subparagraph (A) and (B) of section 203(1) of such Act; and

(ii) to allow vessels referred to in clause (i) to participate in any fishery under the authority of the Councils referred to in clause (i) in any manner that is not consistent with the fishery management plan for the fishery developed by the Councils under section 303 of the Magnuson-Stevens Act.

SEC. 603. Cold Weather Survival Training.

The Commandant of the Coast Guard shall report to the Committee on Transportation and Infrastructure of the House of Repre- sentatives and the Committee on Com- merce, Science, and Transportation of the Senate on the efficacy of cold weather sur- vival training conducted by the Commandant over the preceding 5 years. The report shall include plans for conducting such training in fiscal years 2010 through 2013.

SEC. 604. Fishing Vessel Transfers.

(a) Safety Standards.—Section 4502 of title 46, United States Code, is amended—

(1) in subsection (a), by—

(A) striking paragraphs (6) and (7) and inserting in lieu thereof—

‘‘(6) other equipment required to minimize the risk of injury to the crew during vessel operations, if the Secretary determines that a risk of serious injury exists that can be diminished or mitigated by that equipment; and’’;

(B) redesignating paragraph (8) as paragraph (9) and redesignating paragraph (9) as paragraph (10); and

(2) in subsection (b)—

(A) in paragraph (1) in the matter pre- ceding subparagraph (A), by striking ‘‘docu- mented’’;

(B) in paragraph (1)(A), by striking ‘‘the Boundary Line’’ and inserting ‘‘3 nautical miles from the baseline from which the territorial sea of the United States is measured or beyond 3 nautical miles from the coastline of the Great Lakes’’;

(C) in paragraph (2)(B), by striking ‘‘life- boat, life jacket, and life buoy’’ and inserting ‘‘a survival craft that ensures that no part of an individual is immersed in water’’;

(D) in paragraph (2)(D), by inserting ‘‘ma- rine’’ before ‘‘radio’’; and

(E) in paragraph (2)(E), by striking ‘‘radar reflectors, nautical charts, and anchors’’ and inserting ‘‘nautical charts, and publica- tions’’;

(F) in paragraph (2)(F), by striking ‘‘, in- cluding medicine chests’’ and inserting ‘‘and medical supplies sufficient for the size and area of operation of the vessel’’; and

(G) by amending paragraph (2)(G) to read as follows:

‘‘ground tackle sufficient for the ves- sel.’’;

(3) by amending subsection (f) to read as follows:

‘‘To ensure compliance with the require- ments of this chapter, the Secretary—

(1) shall require the individual in charge of a vessel described in subsection (b) to keep a record of equipment maintenance, and re- quired instruction and drills; and

(2) shall examine at dockside a vessel de- scribed in subsection (b) at least once every five years and shall issue a certificate of compliance to a vessel meeting the requirements of this chapter.’’;

and

(4) by adding at the end the following:

‘‘The individual in charge of a vessel described in subsection (b) must pass a training program approved by the Secretary that
meets the requirements in paragraph (2) of this subsection and hold a valid certificate issued under that program.

(2) The training program shall—

(A) ensure that the individual has the professional knowledge and skill obtained through sea service and hands-on training, including training in seamanship, stability, collision prevention, navigation, weather, fire fighting and personal protection, damage control, personal survival, emergency medical care, emergency drills, and weather.

(B) require an individual to demonstrate ability to communicate in an emergency situation and understand information found in navigation publications.

(C) recognizes and give credit for recent past experience in fishing vessel operation; and

(D) provide for issuance of a certificate to an individual that has successfully completed the program.

(3) The Secretary shall prescribe regulations implementing this subsection. The regulations shall require that individuals who are issued a certificate under paragraph (2)(D) must complete refresher training at least every 5 years as a condition of maintaining the validity of the certificate.

(4) The Secretary shall establish a publicly accessible electronic database listing the names of individuals who have participated in and received a certificate confirming successful completion of a training program approved by the Secretary under this section.

(b) A vessel to which this chapter applies shall be constructed in a manner that provides a level of safety equivalent to the minimum safety standards the Secretary may establish for recreational vessels under section 4302, if—

(1) subsection (b) of this section applies to the vessel;

(2) the vessel is less than 50 feet overall in length; and

(3) the vessel is built after January 1, 2012.

(i) The Secretary shall establish a Fishing Safety Training Grants Program to provide funding to municipalities, port authorities, other appropriate public entities, not-for-profit organizations, and other qualified persons that provide commercial fishing safety training.

(A) To conduct fishing vessel safety training for vessel operators and crewmembers that—

(i) in the case of vessel operators, meets the requirements of subsection (g); and

(ii) in the case of crewmembers, meets the requirements of subsection (g)(2)(A), such requirements of subsection (g)(2)(B) as are appropriate for crewmembers, and the requirements of subsections (g)(2)(D), (g)(3), and (g)(4); and

(B) purchasing of safety equipment and training aids for use in those fishing vessel safety training programs.

(ii) The Secretary shall award grants under this subsection on a competitive basis.

(iii) The Federal share of the cost of any activity carried out with a grant under this subsection shall not exceed 75 percent.

(iv) There is authorized to be appropriated $3,000,000 for each of fiscal years 2010 through 2014 for activities under this subsection.

(1) IN GENERAL.—Section 4508 of title 46, United States Code, is amended—

(A) by striking the section heading and inserting the following:

"§ 4508. Commercial Fishing Safety Advisory Committee";

and

(B) in subsection (a) by striking "Industry Vessel";

(2) MEMBERSHIP REQUIREMENTS.—Section 4506(b)(1) of that title is amended—

(A) by striking "seventeen" and inserting "eighteen";

(B) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking "from the commercial fishing industry who—" and inserting "the commercial fishing industry and who—";

(ii) in clause (ii), by striking "an unexpected" and inserting "a";

(C) by striking subparagraph (B) and inserting the following:

"(B) three members who shall represent the general public, including, whenever possible—

(i) an independent expert or consultant in maritime safety;

(ii) a marine surveyor who provides services to vessels to which this chapter applies; and

(iii) a person familiar with issues affecting fishing communities and families of fishermen;

and

(D) in subparagraph (C)—

(i) in the matter preceding clause (i), by striking "representing each of — " and inserting "each of whom shall represent — ";

(ii) in clause (i), by striking "or marine surveyors," and inserting "and marine engineers;";

(iii) in clause (iii), by striking "and" after the semicolon at the end; (iv) in clause (iv), by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following new clause:

"(v) owners of vessels to which this chapter applies;"

(3) TERMINATION.—Section 4506(e)(1) of that title is amended by striking "September 30, 2010," and inserting "September 30, 2020."

(4) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 46 of title 46, United States Code, is amended by striking the item relating to such section and inserting the following:

"4506. Commercial Fishing Safety Advisory Committee."

(d) LOADLINES FOR VESSELS 79 FEET OR GREATER IN LENGTH.—

(1) LIMITATION ON EXEMPTION FOR FISHING VESSELS.—Section 5102(b)(3) of title 46, United States Code, is amended by inserting after "vessel" the following: "unless the vessel is built after January 1, 2012.

(2) ALTERNATE PROGRAM FOR CERTAIN FISHING VESSELS.—Section 5103 of title 46, United States Code, is amended by adding at the end the following:

"(c) A fishing vessel built on or before July 1, 2012, that undergoes a substantial change to the dimension of or type of the vessel completed after the later of July 1, 2012, or the date the Secretary establishes standards for an alternate loadline compliance program, shall comply with such an alternate loadline compliance program that is developed in cooperation with the commercial fishing industry and prescribed by the Secretary.

(e) CLASSING OF VESSELS.—

(1) IN GENERAL.—Section 4503 of title 46, United States Code, is amended—

(A) by striking the section heading and inserting the following:

"§ 4503. Fishing, fish tender, and fish processing vessel certification";

(B) in subsection (a) by striking "fish processing vessel", and

(C) by adding at the end the following:

"(c) This section applies to a vessel to which section 4502(b) of this title applies that is at least 50 feet overall in length and is built after July 1, 2012.

"(d)(1) After January 1, 2020, a fishing vessel, fish processing vessel, or fish tender vessel to which section 4502(b) of this title applies shall comply with an alternate safety compliance program that is developed in cooperation with the commercial fishing industry and prescribed by the Secretary.

"(3) Alternative safety compliance programs may be developed for purposes of paragraph (1) for specific regions and fisheries.

"(4) Notwithstanding paragraph (1), vessels owned by a person that owns more than 30 vessels subject to that paragraph are not required to meet the alternate safety compliance requirements of this section until January 1, 2030, if that owner enters into a compliance agreement with the Secretary that provides for a fixed schedule for all of the vessels owned by that person to meet the requirements of that paragraph by that date and the vessel owner is meeting that schedule.

"(c) A fishing vessel, fish processing vessel, or fish tender vessel to which section 4502(b) of this title applies that was classed before July 1, 2012, shall—

(A) remain subject to the requirements of a classification society approved by the Secretary; and

(B) have on board a certificate from that society.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 45 of title 46, United States Code, is amended by striking the item relating to such section and inserting the following:

"4503. Fishing, fish tender, and fish processing vessel certification.";

(3) ALTERNATIVE SAFETY COMPLIANCE PROGRAM.—No later than January 1, 2017, the Secretary of the department in which the Coast Guard is operating shall prescribe an alternative safety compliance program referred to in section 4503(d)(1) of the title 46, United States Code, as amended by this section.

section 7502 of title 46, United States Code, is amended—
(1) by inserting ‘‘(a)’’ before ‘‘The’’;
(2) by striking ‘‘computerized records’’ and inserting ‘‘records, including electronic records’’;
(3) by adding at the end the following:

‘‘(b) The Secretary may prescribe regulations requiring a vessel owner or managing operator of a commercial vessel, or the employee of a vessel owner or managing operator, to maintain records of each individual engaged on the vessel subject to inspection under chapter 33 on matters of engagement, discharge, and service for not less than 5 years after the date of the completion of the service of that individual on the vessel. The regulations may require that a vessel owner, managing operator, or employee shall make the records available to the individual and the Coast Guard on request.

(c) A person violating this section, or a regulation prescribed under this section, is liable to the United States Government for a civil penalty of not more than $5,000.’’

SEC. 606. DELETION OF EXEMPTION OF LICENSE REQUIREMENTS FOR OPERATORS OF CERTAIN TOWING VESSELS.

Section 8005 of title 46, United States Code, is amended by adding at the end the following:

‘‘§ 81104. Additional logbook and entry requirements

‘‘(a) A vessel of the United States that is subject to inspection under section 3301 of this title, except a vessel on a voyage from a port in the United States to a port in Canada, or a vessel in navigation in international waters, shall be kept available for review by the Secretary on request.

‘‘(b) The log book required by subsection (a) shall include the following entries:

‘‘(1) The time when each seaman and each officer assumed or relieved the watch.

‘‘(2) The number of hours in service to the vessels of each seaman and each officer.

‘‘(3) An account of each accident, illness, and injury that occurs during each watch.

‘‘(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

‘‘11304. Additional logbook and entry requirements.’’

SEC. 607. LOG BOOKS.

(a) IN GENERAL.—Chapter 113 of title 46, United States Code, is amended by adding at the end the following new section:

‘‘§ 3104. Survival craft.

‘‘(a) Except as provided in subsection (b), the Secretary may not approve a survival craft as meeting the requirements of this part, unless the craft ensures that no part of an individual is immersed in water.

‘‘(b) The Secretary may authorize a survival craft that does not provide the protection required under subsection (a) to remain in service until not later than January 1, 2015, if—

‘‘(1) it was approved by the Secretary before January 1, 2010; and

‘‘(2) it is in serviceable condition.’’

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

‘‘3104. Survival craft.’’

SEC. 610. SAFETY MANAGEMENT.

(a) VESSELS TO WHICH REQUIREMENTS APPLY.—Section 3202 of title 46, United States Code, is amended—

(1) by striking subsection (a), and inserting:

‘‘(a) Vessels to Which Requirements Apply. This chapter applies to—

(1) a passenger vessel or small passenger vessel; and

(2) is transporting more passengers than a number prescribed by the Secretary based on the number of persons on the vessel that could be killed or injured in a marine casualty;’’;

(4) in subsection (d), as so redesignated, by striking ‘‘regulation (b)’’ and inserting ‘‘subsection (c)’’;

(5) in subsection (d)(4), as so redesignated, by inserting ‘‘that is not described in subsection (b) of this section’’ after ‘‘section’’;

(b) SAFETY MANAGEMENT SYSTEM.—Section 3203 of title 46, United States Code, is amended by adding at the end the following new subsection:

‘‘(c) In prescribing regulations for passenger vessels and small passenger vessels, the Secretary shall—

‘‘(1) the characteristics, methods of operation, and nature of the service of these vessels; and

‘‘(2) with respect to vessels that are ferries, the sizes of the ferry systems within which the vessels operate.’’

SEC. 611. PROTECTION AGAINST DISCRIMINATION.

(a) IN GENERAL.—Section 2114 of title 46, United States Code, is amended—

(1) in subsection (a)(1)(A), by striking ‘‘or’’ after the semicolon;

(2) in subsection (a)(1)(B), by striking the period at the end and inserting a semicolon;

(3) by adding at the end the following new subparagraphs:

‘‘(C) the seaman testified in a proceeding brought to enforce a right under this Act, or under a law or regulation prescribed under that Act.

‘‘(D) the seaman notified, or attempted to notify, the vessel owner or the Secretary of a work-related personal injury or work-related illness of a seaman.

‘‘(E) the seaman cooperated with a safety investigation by the Secretary or the National Transportation Safety Board.

‘‘(F) the seaman furnished information to the Secretary, the National Transportation Safety Board, or any other public official as to the facts relating to any marine casualty resulting in injury or death to an individual or damage to property occurring in connection with vessel transportation; or

(3) the seaman accurately reported hours of duty under this part.’’; and

(4) by amending subsection (b) to read as follows:

‘‘(a) A seaman alleging discharge or discrimination in violation of subsection (a) of this section, or another person at the seaman’s request, may file a complaint with the Secretary. The Secretary may, in such complaint, toll the statute of limitations as a complaint may be filed under subsection (b) of section 3106 of title 46. Such complaint shall be subject to the procedures, requirements, and rights described in that section, including with respect to the right to file an objection, the right of a person to file for a petition for review under subsection (c) of that section, and the requirement to bring a civil action under subsection (d) of that section.

(b) EXISTING ACTIONS.—This section shall not affect the application of section 2114(b) of title 46, United States Code, as in effect before the date of enactment of this Act, to an action filed under that section before that date.

SEC. 612. OIL FUEL TANK PROTECTION.

Section 3306 of title 46, United States Code, is amended by adding at the end the following new section:

‘‘(k)(1) Each vessel of the United States that is constructed under a contract entered into after the date of enactment of the Maritime Safety Act of 2010, or that is delivered after January 1, 2011, with an aggregate capacity of 600 cubic meters or more of oil fuel, shall comply with the requirements of Regulation 12A to vessels described in paragraphs (1) and (2) of this section.

(2) The Secretary may prescribe regulations to apply the requirements described in Regulation 12A to vessels described in paragraphs (1) and (2) of this section that are not subject to that convention. Any such regulation shall be considered to be an interpretive rule for the purposes of section 555 of title 5.

(3) In this subsection the term ‘‘oil fuel’’ means any oil used as fuel in connection with the propulsion and auxiliary machinery of the vessel in which such oil is carried.’’

SEC. 613. OATHS.

Section 7105 of title 46, United States Code, is amended by striking ‘‘before a designated official’’.

SEC. 614. DURATION OF LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS’ DOCUMENTS.

(a) MERCHANT MARINERS’ DOCUMENTS.—Section 7302(f) of title 46, United States Code, is amended to read as follows:
§ 7106. Duration of licenses

(a) In General.—A license issued under this part is valid for a 5-year period and may be renewed for additional 5-year periods; except that the validity of a license issued to a professional nurse is conditioned on the continuous possession by the holder of a first-class or set of c-director's certificate issued under this part, issued by the Federal Communications Commission.

(b) Advance Renewals.—A renewed license issued under this part may be issued up to 6 months in advance but is not effective until the date that the previously issued license expires or until the completion of any active suspension or revocation of that previously issued merchant mariner's document, whichever is later.

(c) Certificates of Registry.—Section 7107 of such title is amended to read as follows:

§ 7107. Duration of certificates of registry

(a) In General.—A certificate of registry issued under this part is valid for a 5-year period and may be renewed for additional 5-year periods; except that the validity of a certificate issued to a medical doctor or professional nurse is conditioned on the continuous possession by the holder of a license as a medical doctor or registered nurse, respectively, issued by a State.

(b) Advance Renewals.—A renewed certificate of registry issued under this part may be issued up to 6 months in advance but is not effective until the date that the previously issued certificate of registry expires or until the completion of any active suspension or revocation of that previously issued merchant mariner's document, whichever is later.

(c) MINIMUM NUMBER OF LICENSED INDIVIDUALS.—Section 830(b) of title 46, United States Code, is amended to read as follows:

§ 830. Minimum number of licensed individuals

Not later than 180 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report regarding the following:

(1) expanding the streamlined evaluation process program that was affiliated with the Houston Regional Examination Center of the Coast Guard to all processing centers of the Coast Guard nationwide;

(2) providing proposals to simplify the application process for a license as an officer, deck officer, or a merchant mariner’s document to help eliminate errors by merchant mariners when completing the application form (CG–719B), including any associated paperwork, including all forms attached to the application form and a modified application form for renewals with questions pertaining only to the period of time since the previous application;

(3) providing notice to the applicant of the status of the pending application, including a process to allow the applicant to check on the status of the application by electronic means; and

(4) ensuring that all information collected with respect to applications for new or renewed licenses, merchant mariner documents, and certificates of registry is retained in a secure electronic format.

SEC. 615. AUTHORIZATION TO EXTEND THE DURATION OF LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS’ DOCUMENTS.

(a) Merchant Mariner Licenses and Documents.—Chapter 75 of title 46, United States Code, is amended by adding at the end the following:

§ 7507. Authority to extend the duration of licenses, certificates of registry, and merchant mariner documents

(a) Licenses and Certificates of Registry.—Notwithstanding sections 7106 and 7107, the Commandant of the department, in which the Coast Guard is operating may—

(1) extend for not more than one year an expiring license or certificate of registry issued under this chapter for a 5-year period and may be renewed for additional 5-year periods; except that the validity of a license issued to a professional nurse is conditioned on the continuous possession by the holder of a license as a medical doctor or registered nurse, respectively, issued by a State.

(b) Scale of Employment: Able Seamen.—

(1) Authorized number of able seamen—limited under section 7308 of this title may constitute all of the able seamen required on board a vessel of at least 500 gross tons as measured under section 14502 of this title or 6,000 gross tons as measured under section 14502 of this title on a voyage of less than 600 miles shall have at least two licensed mates.

(2) An offshore supply vessel of at least 6,000 gross tons as measured under section 14502 of this title on a voyage of less than 600 miles shall have at least 2 licensed mates.

(3) An offshore supply vessel of more than 200 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title, must be operated without a licensed engineer.

(c) Watches.—Section 810(g)(2) of title 46, United States Code, is amended by adding at the end the following:

(2) Paragraph (1) applies to an offshore supply vessel of at least 6,000 gross tons as measured under section 14302 of this title if the individuals engaged on the vessel are in compliance with hours of service requirements (including recognition and record-keeping of that service) as prescribed by the Secretary.

(e) Offshore Supply Vessel of at least 6,000 gross tons as measured under section 14302 of this title, or a vessel of less than 600 miles; however, the vessel shall have at least one licensed mate.

(2) An offshore supply vessel of at least 6,000 gross tons as measured under section 14302 of this title on a voyage of at least 600 miles shall have three licensed mates.

(3) An offshore supply vessel of more than 200 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title, must be operated without a licensed engineer.

(f) Exemption.—Section 5209(b)(1) of the Ocean Act of 1992 (Public Law 102–587; 46 U.S.C. 2101 note) is amended by striking “an offshore supply vessel of at least 500 gross tons as measured under section 14502, or an alternate tonnage measured under section 14302 of such title as prescribed by the Secretary under section 14104 of such title.”.

(2) Application.—Section 7502(b) of title 46, United States Code, is amended to read as follows:

§ 7502. Offshore supply vessel

(1) Authorization.—An offshore supply vessel of at least 6,000 gross tons as measured under section 14302 of title 46, United States Code, that is constructed under a contract entered into before the date of enactment of this Act, or that is delivered after August 1, 2010, with an aggregate capacity of 600 cubic meters or more of oil fuel, shall comply with the requirements of this section. (B) Exemption.—Section 5209(b)(1) of the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973, entitled Oil Fuel Tanks, as amended, is amended by adding at the end the following:

(1) Authorization.—An offshore supply vessel of at least 6,000 gross tons as measured under section 14302 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title, must be operated without a licensed engineer.

(2) Paragraph (1) applies to an offshore supply vessel of at least 6,000 gross tons as measured under section 14302 of this title if the individuals engaged on the vessel are in compliance with hours of service requirements (including recognition and record-keeping of that service) as prescribed by the Secretary.

(e) Offshore Supply Vessel of at least 6,000 gross tons as measured under section 14302 of this title, or a vessel of less than 600 miles; however, the vessel shall have at least one licensed mate.

(2) An offshore supply vessel of at least 6,000 gross tons as measured under section 14302 of this title on a voyage of at least 600 miles shall have three licensed mates.

(3) An offshore supply vessel of more than 200 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title, must be operated without a licensed engineer.

(f) Exemption.—Section 5209(b)(1) of the Ocean Act of 1992 (Public Law 102–587; 46 U.S.C. 2101 note) is amended by striking “an offshore supply vessel of at least 500 gross tons as measured under section 14502, or an alternate tonnage measured under section 14302 of such title as prescribed by the Secretary under section 14104 of such title.”.
SEC. 510. STUDY OF BLENDED FUELS IN MARINE APPLICATION.

(a) SURVEY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, shall submit a survey of published data and reports, pertaining to the use, safety, and performance of blended fuels in marine applications, to the Committee on Transportation of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) INCLUSION OF INFORMATION.—To the extent possible, the survey required in subsection (a), shall include data and reports on—

(A) the impact of blended fuel on the operation, durability, and performance of recreational and commercial marine engines, vessels, and marine engine and vessel components and associated equipment;

(B) the safety impacts of blended fuels on consumers that own and operate recreational and commercial marine engines and marine engine components and associated equipment; and

(C) the extent available, fires and explosions on board vessels propelled by engines using blended fuels.

(b) STUDY.—

(1) IN GENERAL.—Not later than 36 months after the date of enactment of this Act, the Secretary, acting through the Commandant, shall conduct a study on the impact of blended fuels on use, safety, and performance of blended fuels in marine applications. The Secretary is authorized to conduct such study in conjunction with—

(A) any other Federal agency;

(B) any State government or agency;

(C) any local government or agency, including local police and fire departments; and

(D) any private entity, including engine and vessel manufacturers.

(2) EVALUATION.—The study shall include an evaluation of—

(A) the impact of blended fuel on the operation, durability, and performance of recreational and commercial marine engines, vessels, and marine engine and vessel components and associated equipment;

(B) the safety impacts of blended fuels on consumers that own and operate recreational and commercial marine engines and marine engine components and associated equipment; and

(C) fires and explosions on board vessels propelled by engines using blended fuels.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out the survey and study under this section $1,000,000.

SEC. 612. RENEWAL OF ADVISORY COMMITTEES.—

(a) GREAT LAKES PILOTAGE ADVISORY COMMITTEE.—Section 9307(d)(1) of title 46, United States Code, is amended by striking “September 30, 2010.” and inserting “September 30, 2020.”

(b) NATIONAL BOATING SAFETY ADVISORY COMMITTEE.—Section 13110 of title 46, United States Code, is amended—

(1) in subsection (d), by striking the first sentence and

(2) in subsection (e), by striking “September 30, 2010.” and inserting “September 30, 2020.”

(c) HOUSTON-GALVESTON NAVIGATION SAFETY ADVISORY COMMITTEE.—Section 18(h) of the Coast Guard Authorization Act of 1991 (Public Law 102-241) as amended by Public Law 104-106) is amended by striking “September 30, 2010.” and inserting “September 30, 2020.”

SEC. 702. LOWER MISSISSIPPI RIVER WATERWAY SAFETY ADVISORY COMMITTEE.—Section 19 of the Coast Guard Authorization Act of 1991 (Public Law 102-241) is amended—

(1) in the matter preceding paragraph (1), by striking “twenty-four” and inserting “twenty-five”; and

(2) by adding at the end the following new paragraph:

“(12) One member representing the Towing Safety Advisory Committee (hereinafter referred to as the ‘Committee’). The Committee shall consist of eighteen members with particular expertise, knowledge, and experience regarding shallow-draft inland and coastal waterway navigation and towing safety as follows:

(A) seven members representing the barge and towing industry, reflecting a regional geographic balance;

(B) one member representing the offshore mineral and oil supply vessel industry;

(C) one member representing holders of active licensed Masters or Pilots of towing vessels in the Western Rivers and the Gulf Intracoastal Waterway;

(D) one member representing the holders of active licensed Masters of towing vessels in offshore service;

(E) one member representing Masters who are active ship-docking or harbor towing vessel; and

(F) one member representing licensed or unlicensed towing vessel engineers with formal training and experience.

(2) in subsection (g), by striking “September 30, 2010.” and inserting “September 30, 2020.”

(3) in subsection (h), by striking “(B) Shippers (of whom at least one shall be engaged in the shipment of oil or hazardous materials by barge).” and

(4) by adding at the end the following:


(1) by striking subsections (a) and (b) and

(2) by adding at the end the following:

“(a) Port districts, authorities, or terminal operators.

(b) Shippers (of whom at least one shall be engaged in the shipment of oil or hazardous materials by barge).

(c) Two members representing the general public; and

(d) in subsection (e), by striking “September 30, 2010.” and inserting “September 30, 2020.”

SEC. 703. INLAND NAVIGATIONAL SAFETY RULES.—Section 5 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is amended—

(1) by striking subsections (a) and (b) and

(2) by adding at the end the following:

“(a) EMBARGO ORDER.—

(1) IN GENERAL.—The Secretary of the Department of the Treasury, in consultation with the Commandant, may issue an embargo order directing the Coast Guard to regulate, limit, or prohibit the movement of any vessel, or group of vessels, in circumstances in which the Coast Guard is operating shall establish a Navigation Safety Advisory Council (hereinafter referred to as the
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SEC. 702. OIL TRANSFERS FROM VESSELS.

(a) REGULATIONS.—Within 1 year after the date of enactment of this Act, the Secretary shall promulgate regulations to reduce the risk of oil spills in operations involving the transfer of oil from or to a tank vessel. The regulations—

(1) shall focus on operations that have the highest risks of discharge, including operations at night and in inclement weather;

(2) shall consider—

(A) requirements for the use of equipment, such as long floats, that are already in place for transfers, safety, and environmental impacts;

(B) operational procedures such as manning standards, communications protocols, and protocols on operations in high-risk areas; or

(C) both such requirements and operational procedures; and

(3) shall take into account the safety of personnel and effectiveness of available procedures and equipment for preventing or mitigating transfer spills.

(b) INSPECTION OF VESSELS IN TRANSFER OPERATIONS.—The regulations promulgated under subsection (a) do not preclude the enforcement of any
State law or regulation the requirements of which are at least as stringent as requirements under the regulations (as determined by the Secretary) that—
(I) apply to States or States parties; and
(II) do not conflict with, or interfere with the enforcement of, requirements and operational procedures under the regulations.

SEC. 703. DOCUMENTS TO REDUCE HUMAN ERROR AND NEAR MISS INCIDENTS.

(a) REPORT.—Within 1 year after the date of enactment of this Act, the Secretary shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure that, using available data—
(1) identifies the types of human errors that, combined, could cause oil spills, with particular attention to human error caused by fatigue, in the past 10 years;
(2) in consultation with representatives of industry and labor and experts in the fields of marine casualties and human factors, identifies the most frequent types of near-miss oil spill incidents involving vessels such as collisions, allisions, groundings, and loss of propulsion, in the past 10 years;
(3) describes the extent to which there are gaps in the data required under paragraphs (1) and (2), including gaps in the ability to define and identify fatigue, and explains the reason for those gaps; and
(4) includes recommendations by the Secretary and representatives of industry and labor and experts in the fields of marine casualties and human factors to address the identified types of errors and any such gaps in the data.

(b) AUDIT.—Based on the findings contained in the report required by subsection (a), the Secretary shall take appropriate action to fill the gaps in the risk of oil spills caused by human error.

(c) CONFIDENTIALITY OF VOLUNTARILY SUBMITTED INFORMATION.—The identity of a person making a voluntary disclosure under this section, and any information obtained from any such voluntary disclosure, shall be treated as confidential.

(d) DISCOVERY OF VOLUNTARILY SUBMITTED INFORMATION.—
(1) IN GENERAL.—Except as provided in this subsection, a party in a judicial proceeding may not use discovery to obtain information or data collected or received by the Secretary for use in the report required in subsection (a).

(2) EXCEPTION.—
(A) Notwithstanding paragraph (1), a court may allow discovery by a party in a judicial proceeding that retains in confidence the names of members of marine casualties and human factors to address the identified types of errors and any such gaps in the data.
(B) Notwithstanding paragraph (1), a court may allow discovery by a party in a judicial proceeding that retains in confidence the names of members of marine casualties and human factors to address the identified types of errors and any such gaps in the data.

(3) CONFIDENTIALITY OF VOLUNTARILY SUBMITTED INFORMATION.—The identity of a person making a voluntary disclosure under this section, and any information obtained from any such voluntary disclosure, shall be treated as confidential.

(4) DISCOVERY OF VOLUNTARILY SUBMITTED INFORMATION.—
(1) IN GENERAL.—Except as provided in this subsection, a party in a judicial proceeding may not use discovery to obtain information or data collected or received by the Secretary for use in the report required in subsection (a).

(2) EXCEPTION.—
(A) Notwithstanding paragraph (1), a court may allow discovery by a party in a judicial proceeding that retains in confidence the names of members of marine casualties and human factors to address the identified types of errors and any such gaps in the data.
(B) Notwithstanding paragraph (1), a court may allow discovery by a party in a judicial proceeding that retains in confidence the names of members of marine casualties and human factors to address the identified types of errors and any such gaps in the data.

(3) CONFIDENTIALITY OF VOLUNTARILY SUBMITTED INFORMATION.—The identity of a person making a voluntary disclosure under this section, and any information obtained from any such voluntary disclosure, shall be treated as confidential.

(4) DISCOVERY OF VOLUNTARILY SUBMITTED INFORMATION.—
(1) IN GENERAL.—Except as provided in this subsection, a party in a judicial proceeding may not use discovery to obtain information or data collected or received by the Secretary for use in the report required in subsection (a).

(2) EXCEPTION.—
(A) Notwithstanding paragraph (1), a court may allow discovery by a party in a judicial proceeding that retains in confidence the names of members of marine casualties and human factors to address the identified types of errors and any such gaps in the data.
(B) Notwithstanding paragraph (1), a court may allow discovery by a party in a judicial proceeding that retains in confidence the names of members of marine casualties and human factors to address the identified types of errors and any such gaps in the data.

(3) CONFIDENTIALITY OF VOLUNTARILY SUBMITTED INFORMATION.—The identity of a person making a voluntary disclosure under this section, and any information obtained from any such voluntary disclosure, shall be treated as confidential.

(4) DISCOVERY OF VOLUNTARILY SUBMITTED INFORMATION.—
(1) IN GENERAL.—Except as provided in this subsection, a party in a judicial proceeding may not use discovery to obtain information or data collected or received by the Secretary for use in the report required in subsection (a).

(2) EXCEPTION.—
(A) Notwithstanding paragraph (1), a court may allow discovery by a party in a judicial proceeding that retains in confidence the names of members of marine casualties and human factors to address the identified types of errors and any such gaps in the data.
(B) Notwithstanding paragraph (1), a court may allow discovery by a party in a judicial proceeding that retains in confidence the names of members of marine casualties and human factors to address the identified types of errors and any such gaps in the data.

(3) CONFIDENTIALITY OF VOLUNTARILY SUBMITTED INFORMATION.—The identity of a person making a voluntary disclosure under this section, and any information obtained from any such voluntary disclosure, shall be treated as confidential.

(4) DISCOVERY OF VOLUNTARILY SUBMITTED INFORMATION.—
(1) IN GENERAL.—Except as provided in this subsection, a party in a judicial proceeding may not use discovery to obtain information or data collected or received by the Secretary for use in the report required in subsection (a).

(2) EXCEPTION.—
(A) Notwithstanding paragraph (1), a court may allow discovery by a party in a judicial proceeding that retains in confidence the names of members of marine casualties and human factors to address the identified types of errors and any such gaps in the data.
(B) Notwithstanding paragraph (1), a court may allow discovery by a party in a judicial proceeding that retains in confidence the names of members of marine casualties and human factors to address the identified types of errors and any such gaps in the data.

SEC. 704. OLYMPIC COAST NATIONAL MARINE SANCTUARY.

The Secretary of the Department in which the Coast Guard is operating and the Under Secretary of Commerce for Oceans and Atmosphere shall revise the area to be avoided off the coast of Washington so that restrictions apply to all vessels required to prepare a response plan pursuant to section 311(j) of the Federal Water Pollution Control Act (42 U.S.C. 1321et seq.), including recreational vessels, commercial fishing vessels, marinas, and aquaculture facilities. The Under Secretary may provide grants to sea grant colleges and institutes designated under section 1126 of the National Sea Grant College Program Act (33 U.S.C. 1126) and to State agencies, tribal governments, and other appropriate entities to carry out—
(1) regional assessments to quantify the source, incidence and volume of small oil spills, focusing initially on regions in the country where, in the past 10 years, the incidence of such spills is estimated to be the highest;
(2) voluntary, incentive-based clean marina programs that encourage marina operators to prohibit the use of small commercial vessel operators to engage in environmentally sound operating and maintenance procedures and best management practices to prevent and reduce pollution from oil spills and other sources;
(3) cooperative oil spill prevention education programs that promote public understanding of the source and how to prevent accidental spills during maintenance and refueling and properly cleanup and dispose of oil and hazardous substances; and
(4) support for programs, including outreach and education to address derelict vessels and the threat of such vessels sinking and discharging oil and other hazardous substances, including outreach and education to involve efforts to the owners of such vessels.

(b) AUTHORIZATION OF APPROPRIATIONS.—
There are authorized to be appropriated to the Commandant $500,000 for each of fiscal years 2010 through 2014.

SEC. 705. PREVENTION OF SMALL OIL SPILLS.

(a) PREVENTION AND EDUCATION PROGRAM.—The Under Secretary of Commerce for Oceans and Atmosphere, in consultation with the Secretary of the Department in which the Coast Guard is operating and other appropriate agencies, shall establish an oil spill prevention and education program for small oil spills, focusing initially on regions in the country where the incidence of such spills is estimated to be the highest;

(b) VOLUNTARY, INCENTIVE-BASED CLEAN MARINA PROGRAM.—The Under Secretary of Commerce for Oceans and Atmosphere, in consultation with the Secretary of the Department in which the Coast Guard is operating and other appropriate agencies, shall establish a voluntary, incentive-based clean marina program that encourages marina operators to prohibit the use of small commercial vessel operators to engage in environmentally sound operating and maintenance procedures and best management practices to prevent and reduce pollution from oil spills and other sources.

(c) COOPERATIVE OIL SPILL PREVENTION EDUCATION PROGRAMS.—The Under Secretary of Commerce for Oceans and Atmosphere, in consultation with the Secretary of the Department in which the Coast Guard is operating and other appropriate agencies, shall establish a cooperative oil spill prevention education program that encourages marina operators to prohibit the use of small commercial vessel operators to engage in environmentally sound operating and maintenance procedures and best management practices to prevent and reduce pollution from oil spills and other sources.

(d) FUNDING FOR TRIBAL PARTICIPATION.—
(1) arrangements for the assistance of the tribal government to participate in the development of the National Contingency Plan and local Area Contingency Plans to the extent they affect tribal lands, cultural and natural resources;
(2) arrangements for the assistance of the tribal government to develop the capacity to implement the National Contingency Plan and local Area Contingency Plans to the extent they affect tribal lands, cultural and natural resources;
(3) provisions on coordination in the event of a spill, including agreements that representatives of the affected tribe will be included as part of the regional response team co-chaired by the Coast Guard and the Environmental Protection Agency to establish policies for response in the area; and
(4) cooperative arrangements for the assistance of the tribal government to participate in the development of the National Contingency Plan and local Area Contingency Plans to the extent they affect tribal lands, cultural and natural resources.

(e) RESTRICTION ON USE OF DATA.—Data that is voluntarily submitted for the purpose of the study required under subsection (a) shall not be used in an administrative action under chapter 77 of title 46, United States Code.

SEC. 706. IMPROVED COORDINATION WITH TRIBAL GOVERNMENTS.

(a) IN GENERAL.—Within 6 months after the date of enactment of this Act, the Secretary of the Department in which the Coast Guard is operating shall complete the development of a tribal consultation policy, which recognizes and protects to the maximum extent practicable tribal treaty rights and trust assets in order to improve the Coast Guard’s consultation and coordination with the tribal governments of federally recognized Indian tribes with respect to oil spill prevention, preparedness, response and natural resource damage assessment.

(b) COOPERATIVE ARRANGEMENTS.—The Secretary of the Department in which the Coast Guard is operating shall ensure that representatives of the tribal government of the affected tribes are included as part of the incident command system established by the Coast Guard to respond to the spill;

(c) FUNDING FOR TRIBAL PARTICIPATION.—Subject to the availability of appropriations, the Commandant of the Coast Guard shall provide assistance to participating tribal governments in order to facilitate the implementation of cooperative arrangements under subsection (c) and ensure the participation of tribal governments in such arrangements. There are authorized to be appropriated to the Commandant $500,000 for each of fiscal years 2010 through 2014 to be used to carry out the activities under this subsection.

SEC. 707. REPORT ON AVAILABILITY OF TECHNOLOGY TO DETECT THE LOSS OF OIL.

Within 1 year after the date of enactment of this Act, the Secretary of the Department...
in which the Coast Guard is operating shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the availability, feasibility, and potential cost of technology to detect the loss of oil carried as cargo or as fuel on tank and non-tank vessels greater than 5,000 gross tons or more from the Fund during the preceding fiscal year; and "(B) a description of how each such use of the Fund meets the requirements of subsection (a).

"(3) AGENCY RECORDKEEPING.—Each Federal agency that receives amounts from the Fund shall maintain records describing the purposes for which such funds were obligated or expended in such detail as the Secretary may require under paragraph (1).

"(4) AUDITS; ANNUAL REPORTS.—Section 1012(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(b)) is amended—

"(B) make the report available to the public and to the Under Secretary of Commerce for Oceans and Atmospheric Administration; and

"(C) require for purposes of the report required under paragraph (1)."

SEC. 709. INTERNATIONAL EFFORTS ON ENFORCEMENT.

The Secretary of the department in which the Coast Guard is operating, in consultation with the heads of other appropriate Federal agencies, shall prepare an updated analysis which serves as the basis for the Cooperative Vessel Traffic Service agreement between the United States and Canada for the management of maritime traffic in the Strait of Georgia, Haro Strait, Rosario Strait, and the Strait of Juan de Fuca. The updated analysis shall, at a minimum, consider—

"(A) requirements for laden tank vessels to be escorted by tug boats;

"(B) vessel emergency response towing capability at the entrance to the Strait of Juan de Fuca; and

"(C) increased spill response planning for vessels bound for one nation transiting through the waters of the other nation.

"(2) CONSULTATION REQUIREMENT.—In consultation with the State of Washington and affected tribal governments.

"(3) RECOMMENDATIONS.—Within 18 months after the date of enactment of this Act, the Commandant shall consult with the State of Washington and affected tribal governments.

"(A) The Secretary, in consultation with the Secretary of Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure; and

"(B) the House of Representatives Committee on Transportation and Infrastructure; and

"(C) the Senate Committee on Commerce, Science, and Transportation; and

"(D) relevant agencies referred to in paragraph (2)(B).

"(2) CONTENTS.—The report shall include—

"(i) traffic separation schemes and routing measures;

"(ii) long-range vessel tracking systems developed under section 70115 of title 46, United States Code;

"(iii) towing, response, or escort tugs;

"(iv) vessel traffic services;

"(v) increased spill response packages on vessels;

"(vi) emergency towing plans and procedures; and

"(vii) the Automatic Identification System developed under section 70114 of title 46, United States Code;

"(viii) particularly sensitive sea areas, areas to be avoided, and other traffic exclusion zones;

"(ix) aids to navigation; and

"(x) vessel response plans.

"(3) IMPLEMENTATION.—

"(A) IN GENERAL.—The assessment shall include any appropriate recommendations to
enhance the safety, or lessen potential adverse environmental impacts, of marine shipping.

(b) CONSULTATION.—Before making any recommendations under paragraph (1) for a region, the Area Committee shall consult with affected local, State, and Federal government agencies, representatives of the fishing industry, Alaska Natives from the region, the conservation community, and the merchant shipping and oil transportation industries.

(c) PROVISION TO CONGRESS.—The Commandant shall provide a copy of the assessment to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and to the Comptroller General.

Title VIII—Port Security

SEC. 801. AMERICA'S WATERWAY WATCH PROGRAM.

(a) IN GENERAL.—Chapter 701 of title 46, United States Code, is amended by adding at the end thereof the following:

"§ 70122. Waterway watch program

"(a) PROGRAM ESTABLISHED.—There is hereby established, within the Coast Guard, the America's Waterway Watch Program.

"(b) MISSION.—The combined force of the Secretary of Homeland Security shall submit to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and to the Comptroller General a report containing an assessment of the results of the pilot. The report shall include—

"(1) the findings of the pilot program with respect to key technical and operational aspects of implementing TWIC technologies in the maritime sector;

"(2) a comprehensive listing of the extent to which established metrics were achieved during the pilot program; and

"(3) an analysis of the viability of those technologies for use in the maritime environment, including any challenges to implementing those technologies and strategies for mitigating those challenges.

"(c) INFORMATION; TRAINING.—

"(1) INFORMATION.—The Secretary may establish, as an element of the Program, a network of individuals and community-based organizations that encourage the public and industry to recognize activities referred to in subsection (b), promote voluntary reporting of such activity, and enhance the situational awareness within the Nation's ports and waterways. Such network shall, to the extent practicable, be conducted in cooperation with Federal, State, and local law enforcement agencies.

"(2) TRAINING.—The Secretary may provide training in—

"(A) observing and reporting on covered activities; and

"(B) sharing such reports and coordinating the responses of Federal, State, and local law enforcement agencies.

"(d) VOLUNTARY PARTICIPATION.—Participation in the Program—

"(1) shall be wholly voluntary;

"(2) shall not be a prerequisite to eligibility for, or receipt of, any other service or assistance from, or to participation in, any other program of any kind; and

"(3) shall not require disclosure of information regarding the individual reporting covered activities to the Department for any purpose, the location of such individual.

"(e) COORDINATION.—The Secretary shall coordinate the Program with other like programs of other Administrations, any Federal, State, or local law enforcement agencies, and representatives of the United States Customs and Border Protection, the United States Immigration and Customs Enforcement, the Department of Homeland Security, the Department of Justice, the Department of Agriculture, the Department of Defense, and other Federal agencies, State and local law enforcement or port personnel, members of the Area Maritime Security Committee, and other public and private sector stakeholders addressing terrorist threats or maritime security incidents.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the purposes of this section $5,000,000 for each of fiscal years 2011 through 2016. Such funds shall remain available until expended.";

SEC. 802. TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL.

SEC. 803. INTERAGENCY OPERATIONAL CENTERS FOR PORT SECURITY.

SEC. 804. DEPLOYABLE, SPECIALIZED FORCES.

SEC. 805. EXTENSION OF FINANCIAL RESPONSIBILITY.

SEC. 806. LIABILITY FOR USE OF SINGLE-HULL VESSELS.

SEC. 807. AUTHORIZATION OF APPROPRIATIONS.

SEC. 808. SENDING SHIPS TO THE UNITED STATES.

SEC. 809. FUNDING FOR LAW ENFORCEMENT ACTIVITIES."
SEC. 805. COAST GUARD DETECTION CANINE TEAM PROGRAM EXPANSION.

(a) DEFINITIONS.—For purposes of this section:

(1) CANINE DETECTION TEAM.—The term ‘‘detection canine team’’ means a canine and a canine handler that are trained to detect narcotics or explosives, or other threats as defined by the Secretary.

(2) SECRETARY.—The term ‘‘Secretary’’ means the Secretary of Homeland Security.

(b) DETECTION CANINE TEAM

(1) EXPANSION.—Not later than one year after the date of enactment of this Act, and subject to the availability of appropriations, the Secretary shall—

(A) begin to increase the number of detection canine teams certified by the Coast Guard for the purposes of maritime-related security by no fewer than 16 canine teams annually through fiscal year 2012; and

(B) encourage owners and operators of port facilities, passenger cruise liners, oceangoing vessels, and other vessels identified by the Secretary of Homeland Security as efficiently as possible, including, to the greatest extent possible, the use of highly trained detection canine teams.

(c) DEPLOYMENT.—The Secretary shall prioritize deployment of the additional canine teams to ports on the basis of risk, consistent with the Security and Accountability ForEvery Act of 2008 (Public Law 110–149).

(d) COST ANALYSIS.—Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall establish procedures for the performance of its missions.

(2) SAFETY TO SECURITY ASSISTANCE FOR FOREIGN PORTS.—

(a) IN GENERAL.—Section 70110(e)(1) of title 46, United States Code, is amended by striking the second sentence and inserting the following: ‘‘The Secretary shall establish a strategic plan to utilize those assistance programs to assist ports and facilities that are found by the Secretary under subsection (a) to maintain effective antiterrorism measures in the implementation of port security antiterrorism measures.’’.

(b) CONFORMING AMENDMENTS.—

(A) Section 70110 of title 46, United States Code, is amended—

(i) by adding at the end of subsection (b) the following:

‘‘(1) by inserting ‘‘or facility’’ after ‘‘port’’ in the section heading;

(ii) by inserting ‘‘or facility’’ after ‘‘port’’ each place it appears; and

(iii) by striking ‘‘PORTS’’ in the heading for subsection (e) and inserting ‘‘PORTS, FACILITIES.’’.

(B) Section 70110(c) of such title is amended—

(i) by striking paragraph (2); and

(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(c) The term ‘‘Port’’ in chapter 701 of title 46, United States Code, is amended by striking the term relating to section 70110 and inserting the following: ‘‘70110. Actions and assistance for foreign ports or facilities and United States territories.’’.

SEC. 806. COAST GUARD PORT ASSISTANCE PROGRAM.

(a) FOREIGN PORT ASSESSMENT.—Chapter 701 of title 46, United States Code, is amended—

(1) by adding at the end of section 70108 the following:

‘‘(e) LIMITATION ON STATUTORY CONSTRUCTION.—The absence of an inspection of a foreign port shall not bar the Secretary from making a determination that a port in a foreign country does not maintain effective antiterrorism measures.’’;

(2) by striking ‘‘If the Secretary, after conducting an inspection under section 70108, finds that a port in a foreign country does not maintain effective antiterrorism measures,’’ in section 70109(a) and inserting ‘‘Unless the Secretary finds that a port in a foreign country maintains effective antiterrorism measures,’’ and

(3) by striking ‘‘If the Secretary finds that a foreign port maintains effective antiterrorism measures,’’ in section 70109(a) and inserting ‘‘Unless the Secretary finds that a foreign port maintains effective antiterrorism measures,’’.

(b) ASSISTANCE PROGRAM.—Section 70110 of title 46, United States Code, is amended by adding at the end the following:

‘‘(f) COAST GUARD ASSISTANCE PROGRAM.—

‘‘(1) IN GENERAL.—The Secretary may lend, lease, donate, or otherwise provide equipment, and provide technical training and support, to the owner or operator of a foreign port or facility—

(A) to assist in bringing the port or facility into compliance with the applicable International Ship and Port Facility Code standards; and

(B) to assist the port or facility in correcting deficiencies identified in periodic port assessments and reassessments required under section 70108 of this title.

‘‘(2) CONDITIONS.—The Secretary—

(A) may provide such assistance based upon an assessment of the risks to the security of the United States and the inability of the owner or operator of the port or facility to bring the port or facility into compliance with those standards and to maintain compliance with, or exceed, such standards;

(B) may not provide such assistance unless the port or facility has been subjected to a comprehensive port security assessment by the Coast Guard; and

(C) the Coast Guard may lend, lease, or otherwise provide equipment that the Secretary has first determined is not required by the Coast Guard for the performance of its missions.’’.

SEC. 807. MARITIME BIOMETRIC IDENTIFICATION.

(a) IN GENERAL.—Chapter 701 of title 46, United States Code, is further amended by striking the item applicable by the Department of Homeland Security as part of chapter 701 of title 46, United States Code, is amended—

(B) may not provide such assistance unless the Secretary finds that a port in a foreign country does not maintain effective antiterrorism measures.’’.

(b) CONFORMING AMENDMENTS.—

(A) Section 70110 of title 46, United States Code, is amended by striking the item relating to section 70110 and inserting the following: ‘‘70110. Actions and assistance for foreign ports or facilities and United States territories.’’.

SEC. 808. PILOT PROGRAM FOR FINGERPRINTING OF MARITIME WORKERS.

(a) IN GENERAL.—Within five years after the date of enactment of this Act, the Secretary of Homeland Security shall establish procedures for providing an individual who is required to be fingerprinted for purposes of obtaining a transportation security card under section 70105 of title 46, United States Code, the ability to be fingerprinted at any of not less than 20 facilities operated by or under contract with an agency of the Department of Homeland Security that fingerprint the public for the Department.

(b) REQUIREMENTS.—The Secretary shall establish procedures in this section that provide for the use of a combination biometrics, including facial and iris recognition, to provide a higher probability of success in identifying individuals than a single mode to achieve transformational advances in the flexibility, authenticity, and overall capability of integrated biometric detectors. The operational goal of these facilities should be to provide the capability to nonintrusively collect biometrics in an accurate and expeditious manner to assist the Coast Guard and the Department of Homeland Security in fulfilling its mission to protect and support national security.

SEC. 809. TRANSPORTATION SECURITY CARDS ON VESSELS.

Section 70105(b)(2) of title 46, United States Code, is amended—

(1) in subparagraph (B), by inserting after ‘‘title’’ the following: ‘‘allowed unescorted access to a secure area designated in a vessel security plan approved under section 70103 of this title’’; and

(2) in subparagraph (D), by inserting after ‘‘tank vessel’’ the following: ‘‘allowed unescorted access to a secure area designated in a vessel security plan approved under section 70103 of this title’’. 

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SEC. 810. MARITIME SECURITY ADVISORY COMMITTEES. Section 70112 of title 46, United States Code, is amended—

(1) by striking subsection (b)(5) to read as follows—

"(5)(A) The National Maritime Security Advisory Committee shall be composed of—

(i) at least 1 individual who represents the interests of the port authorities;

(ii) at least 1 individual who represents the interests of the port facilities owners or operators;

(iii) at least 1 individual who represents the interests of the terminal operators or operators of waterfront facilities;

(iv) at least 1 individual who represents the interests of the vessel owners or operators;

(v) at least 1 individual who represents the interests of the maritime labor organizations;

(vi) at least 1 individual who represents the interests of the State or local governments; and

(vii) at least 1 individual who represents the interests of the Class B island communities.

(B) Each Area Maritime Security Advisory Committee shall be composed of individuals representing the interests of the port industry, terminal operators, port labor organizations, and other users of the port areas; and

(C) in paragraph (g)—

(A) in paragraph (1)(A), by striking "2008," and inserting "2020;" and

(B) in paragraph (2), by striking "2008" and inserting "2018.""

SEC. 811. SEAMEN'S SHORESIDE ACCESS. Each facility security plan approved under section 70103(c) of title 46, United States Code, shall provide for access to a vessel at a port other than a vessel at that facility, pilots, and representatives of seamen's welfare and labor organizations to board and depart the vessel through the facility in a timely manner at no cost to the individual.

SEC. 812. WATERSIDE SECURITY OF ESPECIALLY HAZARDOUS CARGO.

(a) NATIONAL STUDY.—

(1) In general.—The Secretary of the Department in which the Coast Guard is operating shall—

(A) initiate a national study to identify measures to improve the security of maritime transportation of especially hazardous cargo; and

(B) coordinate with other Federal agencies, the National Maritime Security Advisory Committee, and appropriate State and local government officials through the Area Maritime Security Committees and other existing coordinating committees, to evaluate the waterside security of vessels carrying, and waterfront facilities handling, especially hazardous cargo.

(2) Matters to be included.—The study conducted under this subsection shall include—

(A) an analysis of existing risk assessment information relating to waterside security zones around vessels transporting to, through, or from United States ports or to conduct security patrols in United States ports;

(B) the number of formal agreements entered into between the Coast Guard and State and local law enforcement entities to engage State and local law enforcement entities in the enforcement of Coast Guard-imposed security zones around vessels transiting to, through, or from United States ports or the conduct of port security patrols for vessels transiting to, through, or from United States ports, and the aid that State and local entities are engaged to provide through such agreements;

(C) the extent to which the Coast Guard has set national standards for training, equipment, and resources to ensure that State and local entities engaged in enforcing Coast Guard-imposed security zones around vessels transiting to, through, or from United States ports or in conducting port security patrols in United States ports (or both) can deter the maximum extent practicable a transportation security incident;

(D) the extent to which State and local law enforcement entities are able to meet national standards for training, equipment, and resources established by the Coast Guard to ensure that these entities can deter to the maximum extent practicable a transportation security incident; and

(E) an extent to which State and local port security plans established under section 70112 of title 46, United States Code, are sufficient to ensure security assignments that they have been authorized to carry out to deter to the maximum extent practicable a transportation security incident.

(b) Definitions.—In this subsection, the term "especially hazardous cargo" means anhydrous ammonia, ammonium nitrate, liquified natural gas, liquified petroleum gas, and any other substance, material, or group of or class of material, in a particular amount and form that the Secretary determines by regulation poses a significant risk of creating a transportation security incident while being transported in maritime commerce.

(c) Study.—The Secretary shall submit the results of the study required by subsection (a) to the Committees on Homeland Security and Transportation and Infrastructure of the Senate and the Committees on Homeland Security and Transportation and Infrastructure of the House of Representatives.

(d) Authorization.—(1) The Secretary of the Department in which the Coast Guard is operating shall submit the results of the study required by subsection (a) to the Committees on Homeland Security and Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation on or before the 6-month period following submission of the report required by subsection (a).
risk of creating a transportation security in-
cident while being transported in maritime
commerce.

(2) AREA MARITIME SECURITY COMMITTEE.—
The term ‘‘Area Maritime Security Committee’’ means each of those committees re-
 sponsible for producing Area Maritime Transportation Security Plans under chapter
701 of title 46, United States Code.

(3) TRANSPORTATION SECURITY INCIDENT.—
The term ‘‘transportation security incident’’ has the same meaning as that term has in
section 70101 of title 46, United States Code.

SEC. 813. REVIEW OF LIQUEIFIED NATURAL GAS FACILITIES.

Consistent with other provisions of law, the Secretary shall, in coordination with the
Coast Guard, shall provide a recommendation, after considering recommenda-
tions made by the Committees, to the Federal Energy Regulatory Commission as to
whether the waterway to a proposed waterside liquefied natural gas facility is suit-
able for the waterway for the marine traffic asso-
ciated with such facility.

SEC. 814. USE OF SECONDARY AUTHENTICATION FOR TRANSPORTATION SECURITY CARDS.

Section 70105 of title 46, United States Code, is amended by adding at the end the
following:

‘‘(n) The Secretary may use a secondary
authentication system to verify the identi-
fication of individuals using transportation
security cards when the individual’s finger-
prints are not able to be taken or read.’’

SEC. 815. ASSESSMENT OF TRANSPORTATION SECURITY CARD ENROLLMENT SITES.

(a) IN GENERAL.—Not later than 180 days
after the date of enactment of this Act, the Secretary shall, in coordination with
the Coast Guard, prepare an assessment of the enrollment sites for transportation
security cards issued under section 70105 of title 46, United States Code, includ-
ing—

(1) the feasibility of keeping those enroll-
ment sites open after the date of enactment of
this Act; and

(b) QUALITY OF CUSTOMER SERVICE.—In
keeping with the period of time individuals are kept on
hold on the telephone, whether appoint-
ments are kept, and processing times for ap-
 plications.

(b) TIMELINES AND BENCHMARKS.—The Sec-
retary shall develop timelines and bench-
marks for implementing the findings of the
assessment as the Secretary deems nec-
essary.

SEC. 816. ASSESSMENT OF THE FEASIBILITY OF EF-FORTS TO MITIGATE THE THREAT OF SMALL BOAT ATTACK IN MAJOR PORTS.

The Secretary of the department in which
the Coast Guard is operating shall make a
recommendation, after considering recom-
mandations made by the Committees, to the
Secretary for implementing the findings of the
National Incident Management System, the
National Infrastructure Protection Plan, the
National Preparedness Guidance, the Na-
tional Maritime Transportation Security
Plan, and other such national initiatives;
the provision of training and these activities solicitations for grants for homeland security shipments of hazardous and especially hazardous cargo and trains them with respect to their roles of 2002 (Public Law 107–295), and other port and shipping operations, requirements training requirements for Federal, State, and local law enforcement agencies certify the following additional security Secretary of Transportation, shall work with personnel seeking certification under subsection (b) available to the port authority prescribed by the Secretary.

(1) A program to familiarize them with dangers and potential issues with respect to shipments of hazardous and especially hazardous cargo.

(2) A program of continuing education as deemed necessary by the Secretary.

(d) TRAINING PARTNERS.—In developing curriculum and delivering training, the Secretary shall require any such vessel or facility to provide on-site activation capability.

SEC. 824. PRE-INTERCEPTION INTEROPERABLE COMMUNICATIONS EQUIPMENT AT INTERAGENCY OPERATIONAL CENTERS.

Section 70107A of title 46, United States Code, is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following:

(‘‘(e) DEPLOYMENT OF INTEROPERABLE COMMUNICATIONS EQUIPMENT AT INTERAGENCY OPERATIONAL CENTERS.—The Secretary, subject to the availability of appropriations, shall ensure that interoperable communications technology is deployed at all inter-agency operational centers established under subsection (b), and that such equipment has been tested in live operational environments before deployment.’’)

SEC. 825. INTERNATIONAL PORT AND FACILITY SECURITY AND INSPECTION COORDINATION.

(a) COORDINATION.—The Secretary of the department in which the Coast Guard is operating shall, to the extent practicable, conduct the assessments required by the following provisions of law concurrently, or develop a process by which they are integrated and conducted by the Coast Guard.

(1) Section 200 of the SAFE Port Act (6 U.S.C. 945).

(2) Section 213 of that Act (6 U.S.C. 964).

(3) Section 70108 of title 46, United States Code.

(b) LIMITATION.—Nothing in subsection (a) shall be construed to affect or diminish the Secretary’s authority or discretion—

(1) to conduct an assessment of a foreign port at any time;

(2) to compel the Secretary to conduct an assessment of a foreign port so as to ensure that 2 or more assessments are conducted concurrently; or

(3) to cancel an assessment of a foreign port if the Secretary is unable to conduct 2 or more assessments concurrently.

(c) MULTIPLE ASSESSMENT REPORT.—The Secretary shall provide written notice to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure and Homeland Security of the House of Representatives whenever the Secretary conducts 2 or more assessments of the same port within a 3-year period.

SEC. 826. AREA TRANSPORTATION SECURITY INCIDENT MITIGATION PLAN.

Section 701 of title 46, United States Code, is amended—

(1) by redesignating subparagraphs (E) through (G) as subparagraphs (F) through (H), respectively; and

(2) by inserting after subparagraph (D) the following:

(‘‘(E) establish area response and recovery protocols to prepare for, respond to, mitigate against, and recover from a transportation security incident consistent with section 202 of the SAFE Port Act (49 U.S.C. 942) and subsection (a) of this section.’’)

SEC. 827. RISK BASED RESOURCE ALLOCATION.

(a) NATIONAL STANDARD.—Within 1 year after the date of enactment of this Act, the Secretary shall require each Area Maritime Security Committee to use this standard to regularly evaluate each port’s assessed risk and prioritize how to mitigate the most significant risks.

(c) OTHER USES OF STANDARD.—The Secretary shall utilize the standard considering departmental resource allocations and grant making decisions.

(d) USE OF MARITIME RISK ASSESSMENT MODEL.—Within 180 days after the date of enactment of this Act, the Secretary shall require the implementation of a risk assessment model available, in an unclassified version, on a limited basis to regulated vessels and facilities to conduct true risk assessments of their own facilities and vessels using the same criteria employed by the Coast Guard when evaluating a port area, facility, or vessel.

SEC. 828. PORT SECURITY ZONES.

(a) IN GENERAL.—Section 701 of title 46, United States Code, is amended by adding at the end thereof the following: SUBCHAPTER II—PORT SECURITY ZONES

‘‘70131. Definitions

‘‘In this subchapter:

‘‘(1) LAW ENFORCEMENT AGENCY.—The term ‘law enforcement agency’ means an agency of the United States or the internal waters of the United States, within the territorial sea of the United States or the internal waters of any vessel transiting such area under the jurisdiction of the United States or the internal waters of the United States.

‘‘(2) SECURITY ZONE.—The term ‘security zone’ means a security zone, established by the Commandant of the Coast Guard or the Commandant’s designee pursuant to section 1 of title II of the Act of June 15, 1917 (50 U.S.C. 191) or section 7(b) of the Ports and Waterways Safety Act (33 U.S.C. 1226(b)), for a vessel carrying especially hazardous cargo when such vessel—

(A) enters, or operates within, the internal waters of the United States and the territorial sea of the United States; or

(B) transfers such cargo or residue in any port or place, under the jurisdiction of the United States, within the territorial sea of the United States or the internal waters of the United States.

‘‘70132. Credentialing standards, training, and certification for State and local support for the enforcement of security zones for the transportation of especially hazardous cargo

‘‘(a) STANDARD.—The Commandant of the Coast Guard shall establish, by regulation, national standards for training and credentialing of law enforcement personnel—

(1) to enforce a security zone; or
“(2) to assist in the enforcement of a security zone.

(b) TRAINING.—

(1) The Commandant of the Coast Guard—

(A) to develop and publish a training curriculum for—

(i) law enforcement personnel to enforce a security zone;

(ii) law enforcement personnel to enforce or assist in the enforcement of a security zone; and

(iii) personnel who are employed or retained by a facility or vessel owner to assist in the enforcement of a security zone; and

(B) may—

(i) set and deliver such training, the curriculum for which is developed pursuant to subparagraph (A);

(ii) enter into an agreement under which a public entity (including a Federal agency) or private entity may test and deliver such training, the curriculum for which has been developed pursuant to subparagraph (A); and

(iii) may accept a program, conducted by a public entity (including a Federal agency) or private entity, through which such training is delivered for which is developed pursuant to subparagraph (A).

(2) Any Federal agency that provides such training, and any public or private entity that receives moneys, pursuant to section 70101 of title 46, United States Code, may fund such training, or provide such training, shall provide such training—

(A) to law enforcement personnel who enforce or assist in the enforcement of a security zone; and

(B) on an availability basis to—

(i) law enforcement personnel who assist in the enforcement of a security zone; and

(ii) personnel who are employed or retained by a facility or vessel owner or operator to assist in the enforcement of a security zone.

(3) If a Federal agency provides the training, the head of such agency may, notwithstanding any other provision of law, accept payment from any source for such training, and any amount received as payment shall be credited to the appropriation, current at the time of collection, charged with the cost thereof and shall be merged with, and available for, the same purposes of such appropriation.

(4) Notwithstanding any other provision of law, any moneys, awarded by the Department of Transportation, to a public or private entity in the form of awards or grants, may be used by the recipient to pay for training of personnel to assist in the enforcement of security zones and limited areas.

(c) CERTIFICATION; TRAINING PARTNERS.—

In developing and delivering training under the training program, the Secretary, in coordination with the Maritime Administrator of the Department of Transportation, and consistent with section 109 of the Maritime Transportation Security Act of 2002 (46 U.S.C. 70101 note), shall—

(1) work with government training facilities, academic institutions, private organizations, and other entities that provide specialized, state-of-the-art training for governmental and non-governmental emergency responder providers or commercial seaport personnel and management;

(2) utilize, as appropriate, government training facilities, courses provided by community, public safety, academic State and private universities, and other facilities; and

(3) certify organizations that offer the curriculum for training and certification.

(b) GRANTS; ADMINISTRATION.—Section 70107 of title 46, United States Code, is amended—

(1) by striking “services.” in subsection (a) and inserting “services and to train law enforcement personnel under section 70132 of this title.”;

(2) by adding at the end of subsection (b) the following:

“(B) The cost of training law enforcement personnel—

(1) to enforce a security zone under section 70132 of this title; or

(2) to assist in the enforcement of a security zone;”;

(3) by adding at the end of subsection (c) the following:

“(C) TRAINING.—There are no matching requirements for grants under subsection (a) to train law enforcement agency personnel in the enforcement of security zones under section 70132 of this title in or assisting in the enforcement of such security zones.”; and

(4) by striking “2011” in subsection (i) and inserting “2013”.

(c) CONFORMING AMENDMENTS.—

(1) SUBCHAPTER I—DESIGNATION.—Chapter 701 of title 46, United States Code, is amended by inserting before section 70101 the following:

"SUBCHAPTER I—GENERAL"

(2) TABLE OF CONTENTS AMENDMENTS.—The table of contents for chapter 701 of title 46, United States Code, is amended—

(a) in the matter relating to section 70132, by striking “Subchapter I—General”; and

(b) by adding at the end the following:

"SUBCHAPTER II—PORT SECURITY ZONES"

70131. Definitions

70132. Credentialing standards, training, and certification for State and local support for the enforcement of security zones for the transportation of especially hazardous cargo.

TITLE IX—MISCELLANEOUS PROVISIONS

SEC. 901. WAIVERS.

(a) GENERAL COASTWISE WAIVER.—Notwithstanding section 12112 and chapter 551 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may operate a documented vessel with a registry endorsement for the transportation of individuals on behalf of an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, including an accounting of any direct deposit of wages and other funds.

(b) WAIVER ISSUANCE.—Section 70107 of title 46, United States Code, is amended by adding at the end the following:

“(4) AQUACULTURE WAIVER.—

(1) PERMITTING OF NONQUALIFIED VESSELS TO PERFORM CERTAIN AQUACULTURE SUPPORT OPERATIONS.—Notwithstanding section 12113 and any other law, the Secretary of Transportation may issue a waiver allowing a documented vessel with a registry endorsement or a foreign flag vessel to be used in operations that treat aquaculture fish for or protect aquaculture fish from disease, parasitic infestation, or other threats to their health if the Secretary finds, after publishing a notice in the Federal Register, that a suitable vessel of the United States is not available that could perform those services.

(2) PROHIBITION.—Vessels operating under a waiver issued under paragraph (1) may not engage in any coastwise transportation.

(3) IMPLEMENTING AND INTERIM REGULATIONS.—The Secretary of the department in which the Coast Guard is operating shall, in accordance with section 553 of title 5, United States Code, and after public notice and comment, promulgate regulations necessary and appropriate to implement this subsection. The Secretary may grant interim permits pending the issuance of such regulations upon receipt of applications containing the required information.

SEC. 902. CREW WAGES ON PASSENGER VESSELS.

(a) FOREIGN AND INTERCOASTAL VESSELS.—

(1) CAP ON PENALTY WAIVERS.—Section 16131(g) of title 46, United States Code, is amended—

(A) by striking “(2) when” and inserting “(1) when”;

(B) by inserting at the end the following:

“(2) The total amount required to be paid under paragraph (1) with respect to any period is the unpaid wages, if any, that are due the claimant for the period, together with—

(i) the penalty prescribed under section 12113 of this title for the violation of the law, rule, or regulation upon which the penalty is imposed;

(ii) the penalty prescribed under section 12113 of this title for any violation of the law, rule, or regulation which could cause the claimant to lose more than ten times the unpaid wages that are the subject of the claims.

(c) A class action suit for wages under this subsection must be commenced within three years after the later of—

(A) the date of the end of the last voyage for which the wages are due; or

(B) the receipt, by the claimant, of a written request signed by the claimant who is a claimant in the suit, of a payment of wages that are the subject of the suit that is made in the ordinary course of employment.

(2) Payment may not be made under paragraph (1) if—

(A) the wages designated by the seaman to be paid after the date the claimant lodged a written request signed by the seaman; or

(B) the wages designated by the seaman to be paid after the date the claimant lodged a written request signed by the seaman;

(3) A class action suit for wages under this subsection must be commenced within three years after the later of—

(A) the date of the end of the last voyage for which the wages are due; or

(B) the receipt, by the claimant, of a written request signed by the claimant who is a claimant in the suit, of a payment of wages that are the subject of the suit that is made in the ordinary course of employment.

(2) Payment may not be made under paragraph (1) if—

(A) the wages designated by the seaman to be paid after the date the claimant lodged a written request signed by the seaman; or

(B) the wages designated by the seaman to be paid after the date the claimant lodged a written request signed by the seaman;
SEC. 905. STUDY OF BRIDGES OVER NAVIGABLE WATERS.
(a) COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2006.—
(e) OIL POLLUTION ACT OF 1990.—
(f) COAST GUARD AUTHORIZATION ACT OF 2010.—
(b) RETENTION OF CERTAIN EASEMENTS.—In carrying out the property under subsection (a), the Commandant of the Coast Guard may retain such easements over the property as the Commandant considers appropriate for access to navigable waters.
(c) LIMITATIONS.—The property to be conveyed under subsection (a) may not be conveyed under that subsection until—
(1) the Coast Guard has relocated Coast Guard Station Marquette to a newly constructed station;
(2) any environmental remediation required under Federal law with respect to the property has been completed; and
(3) the Commandant of the Coast Guard determines that retention of the property by the United States is not required to carry out Coast Guard missions or functions.
(d) CONDITIONS OF TRANSFER.—All conditions placed within the deed of title of the property to be conveyed under subsection (a) shall be construed as covenants running with the land.
(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Commandant of the Coast Guard.
(f) NOMINATIONAL.—The Commandant of the Coast Guard may require such additional terms and conditions in connection with the conveyance authorized under subsection (a) as the Commandant considers appropriate to protect the interests of the United States.
SEC. 908. MISSION REQUIREMENT ANALYSIS FOR NAVIGABLE PORTIONS OF THE RIO GRANDE RIVER, TEXAS, INTER-STATE WATER BOUNDARY.

Not later than 90 days after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall prepare a mission requirement analysis for the navigable portions of the Rio Grande River, Texas, international water boundary. The analysis shall take into account the Coast Guard’s involvement on the Rio Grande River by assessing the Coast Guard missions, assets, and personnel assigned along the River. The analysis shall also identify what would be needed for the Coast Guard to increase search and rescue operations, migrant interdiction operations, and drug interdiction operations. In carrying out this section, the Secretary shall work with all appropriate entities to facilitate the collection of information under this section as necessary and shall report the analysis to the Congress.

SEC. 909. CONVEYANCE OF COAST GUARD PROPERTY IN CHEBOYGAN, MICHIGAN.

(a) CONVEYANCE AUTHORIZED.—Notwithstanding any other provision of law, the Commandant of the Coast Guard is authorized to convey to the State of Michigan, free of all right, title, and interest of the United States in and to a parcel of real property, consisting of approximately 3 acres, more or less, that is necessary to effectuate the terms of a conservation agreement involving the contingent of United States Coast and Guard located at 900 S. Western Avenue in Cheboygan, Michigan.

(b) RIGHT OF FIRST REFUSAL.—The Cornerstone Christian Academy, located in Cheboygan, MI, shall have the right of first refusal to purchase, at fair market value, all or a portion of the real property described in subsection (a).

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Commandant of the Coast Guard.

(d) FAIR MARKET VALUE.—The fair market value of the property described in subsection (c) shall be determined by appraisal, in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice; and

(2) subject to the approval of the Commandant.

(e) TERMS OF CONVEYANCE.—The responsibility for all reasonable and necessary costs, including real estate transaction and environmental documentation costs, associated with the conveyance shall be determined by the Commandant of the Coast Guard and the purchaser.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Commandant of the Coast Guard may require such additional terms and conditions in connection with the conveyance under subsection (a) as are necessary to protect the interests of the United States.

SEC. 910. ALTERNATIVE LICENSING PROGRAM FOR OPERATORS OF UNSUSPECTED PASSENGER VESSELS ON LAKE TEXOMA IN TEXAS AND OKLAHOMA.

(a) IN GENERAL.—Upon the request of the Governor of Texas or the Governor of the State of Oklahoma, the Secretary of the department in which the Coast Guard is operating shall enter into an agreement with the Governor of the State whereby the State shall license operators of unsuspected passenger vessels operating on Lake Texoma in Texas and Oklahoma in lieu of the Secretary, pursuant to section 8903 of title 46, United States Code, and the regulations issued thereunder, but only if the State plan for licensing the operators of unsuspected passenger vessels meets the requirements of this section.

(1) meets the equivalent standards of safety and protection of the environment as those contained in subtitle II of title 46, United States Code, and regulations issued thereunder;

(2) includes—

(A) standards for chemical testing for such operators;

(B) physical standards for such operators;

(C) professional service and training requirements for such operators; and

(D) criminal history background check for such operators;

(3) provides for the suspension and revocation of State licenses;

(4) makes an individual, who is ineligible for a license issued under title 46, United States Code, ineligible for a State license; and

(5) provides for a report that includes—

(A) the number of applications that, for the preceding year, the State rejected due to failure to—

(i) meet chemical testing standards;

(ii) meet physical standards;

(iii) meet professional service and training requirements; and

(iv) pass criminal history background check for such operators;

(B) the number of licenses that, before the preceding year, the State denied on the basis of medical condition;

(C) the number of license investigations that, before the preceding year, the State conducted;

(D) the number of licenses that, before the preceding year, the State suspended or revoked, and the cause for such suspensions or revocations; and

(E) the number of injuries, deaths, collisions, and loss or damage associated with unsuspected passenger vessels operating under the authority of a State license, and the cause for the suspension or revocation of those licenses;

(b) ADMINISTRATION.—

(1) The Governor of the State may delegate the execution and enforcement of the State plan, including the authority to license and the duty to report information pursuant to subsection (a), to any subordinate State officer. The Governor shall provide, to the Secretary, written notice of any delegation.

(2) The Governor (or the Governor’s designee) shall provide written notice of any amendment to the State plan no less than 45 days prior to the effective date of such amendment.

(c) APPLICATION.—

(1) The requirements of section 8903 of title 46, United States Code, and the regulations issued thereunder shall not apply to any person operating under the authority of a State license issued pursuant to an agreement under this section.

(2) The State shall not compel a person, operating under the authority of a license issued either by another State, pursuant to a valid agreement under this section, or by the Secretary, pursuant to section 8903 of title 46, United States Code, to—

(A) hold a license issued by the State, pursuant to an agreement under this section; or

(B) pay any taxes, fees or fees privileges, other than licensing, that are associated with the operation of unsuspected passenger vessels on Lake Texoma.

(3) For the purpose of enforcement, if an individual is issued a license—

(A) by a State, pursuant to an agreement entered into under this section; or

(B) by the Secretary, pursuant to section 8903 of title 46, United States Code, the individual shall be entitled to lawfully operate an unsuspected passenger vessel on Lake Texoma in Texas and Oklahoma without further requirement to hold an additional operator’s license.

(d) TERMINATION.—

(1) If—

(A) the Governor finds that the State plan for the licensing of the operators of unsuspected passenger vessels—

(i) does not meet the equivalent standards of safety and protection of the environment as those contained in subtitle II of title 46, United States Code, and regulations issued thereunder;

(ii) does not include—

(I) standards for chemical testing for such operators,

(II) physical standards for such operators,

(III) professional service and training requirements for such operators, or

(IV) background and criminal investigations for such operators;

(iii) does not provide for the suspension and revocation of State licenses; or

(iv) does not make an individual, who is ineligible for a license issued under title 46, United States Code, ineligible for a State license; or

(B) the Governor (or the Governor’s designee) fails to report pursuant to subsection (b), the Secretary shall terminate the agreement authorized by this section, provided that the Secretary provides written notice to the Governor of the State 60 days in advance of termination. The findings of fact and conclusions of the Secretary, if based on a preponderance of the evidence, shall be conclusive.

(2) The Governor of the State may terminate the agreement authorized by this section, provided that the Governor provides written notice to the Secretary 60 days in advance of the termination date.

(e) EXERCISING AUTHORITY.—Nothing in this section shall affect or diminish the authority or jurisdiction of any Federal or State officer to investigate, or require reporting of, marine casualties.

(f) DEFINITIONS.—For the purposes of this section, the term unsuspected passenger vessel has the same meaning such term has in section 2101(42)(B) of title 46, United States Code.

SEC. 911. STRATEGY REGARDING DRUG TRAFFICKING VESSELS.

Within 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, shall submit a report to Congress on its comprehensive strategy to combat the illicit flow of narcotics, weapons, bulk cash, and other contraband through the use of submersible and semi-submersible vessels. The strategy shall be developed in coordination with other Federal agencies engaged in detection, interdiction, or apprehension of such vessels. At a minimum, the report shall include the following:

(1) An assessment of the threats posed by submersible and semi-submersible vessels, including the number of such vessels that have been detected or interdicted.

(2) Information regarding the Federal personnel, technology and other resources available to detect and interdict such vessels.

(3) The findings of the Strategy as necessary and shall report the analysis to the Congress.
SEC. 912. USE OF FORCE AGAINST PIRACY.
(a) In General.—Chapter 81 of title 46, United States Code, is amended by adding at the end the following new section:

SEC. 8107. USE OF FORCE AGAINST PIRACY.
(a) Limitation on Liability.—An owner, operator, time charterer, master, mariner, or individual who uses force or authorizes the use of force to defend a vessel of the United States in self-defense of piracy shall not be liable for monetary damages for any injury or death caused by such force to any person engaging in an act of piracy if such force was used in accordance with standard rules for the use of force in self-defense of vessels prescribed by the Secretary.

(b) Deliberate Act of Piracy.—When the Secretary of Commerce or Transportation determines that an act committed by a vessel or aircraft is a deliberate act of piracy under this chapter, the Secretary shall develop standard rules for the use of force in self-defense of vessels prescribed by the Secretary.

SEC. 913. TECHNICAL AMENDMENTS TO CHAPTER 313 OF TITLE 46, UNIFIED CODE.
(a) In General.—Chapter 313 of title 46, United States Code, is amended—

(1) by striking “of Transportation” in sections 31302, 31303, 31304, and 31305 each place it appears;

(2) by striking “and” after the semicolon in section 31305(4); and

(3) by striking “officer,” in section 31301(6) and inserting “officer;” and

(b) Transfer of Possession of Lenses Authorized for Use by the United States Against a Piracy.

(1) Transfer of Possession.—Notwithstanding any other provision of law, the Commander of the Coast Guard may transfer to the Township of Presque Isle, Michigan (hereinafter “Township”), possession of the Fresnel Lens from the Light Station for the purpose of conserving and displaying such Fresnel Lens as an artifact if used as a Federal aid to navigation, and the impact on the Fresnel Lens as an artifact if used as a Federal aid to navigation; and if the Township agrees to be responsible for the cost of restoring, reinstalling, operating, and maintaining the Fresnel Lens (including life-cycle costs) and the cost of operating and maintaining the existing Federal aid to navigation at the Light Station (including life-cycle costs).

(2) Usage.—Within 60 days after the date of enactment of this Act, the Commandant of the Coast Guard may sell, lease, dispose of, or otherwise transfer the Fresnel Lens to an eligible entity for use for educational, cultural, historical, charitable, recreational, or public purposes.

(3) Compliance.—Within 60 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit a report to the Committees on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

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SEC. 915. ASSESSMENT OF CERTAIN AIDS TO NAVIGATION AND TRAFFIC FLOW.
(a) IN GENERAL.—Whenever the transfer of possession of an aid to navigation is made under this section, the Commandant of the Coast Guard shall—

(1) determine the types and numbers of vessels typically transiting or utilizing that aid to navigation, provided that such study shall be completed not more than one year prior to the date of enactment of this section.

(2) review and assess the buoys, markers, and other aids to navigation located at or near the Light Station as may be necessary for navigational purposes; and

(3) assess the personal property of the United States that is needed for navigational purposes; and

(b) Transfer Of Possession Of Lenses Authorized For Use By The United States Against A Piracy.

(1) Transfer Of Possession.—Notwithstanding any other provision of law, the Commander of the Coast Guard may transfer to the Township of Presque Isle, Michigan (hereinafter “Township”), possession of the Fresnel Lens from the Light Station for the purpose of conserving and displaying such Fresnel Lens as an artifact if used as a Federal aid to navigation, and the impact on the Fresnel Lens as an artifact if used as a Federal aid to navigation; and if the Township agrees to be responsible for the cost of restoring, reinstalling, operating, and maintaining the Fresnel Lens (including life-cycle costs) and the cost of operating and maintaining the existing Federal aid to navigation at the Light Station (including life-cycle costs).

(2) Usage.—Within 60 days after the date of enactment of this Act, the Commandant of the Coast Guard may sell, lease, dispose of, or otherwise transfer the Fresnel Lens to an eligible entity for use for educational, cultural, historical, charitable, recreational, or public purposes.
(i) The Commandant of the Coast Guard, pursuant to a Waterways Analysis and Management System study, discontinues the existing Federal aids to navigation at, on, or in the Light Station.

(ii) The Township demonstrates to the satisfaction of the Commandant that the Township can restore, reinstall, and display the Fresnel Lens Light Station in the lantern room of such Light Station in a manner that conserves such Fresnel Lens as an artifact.

The Township is authorized, notwithstanding paragraphs (i), (1), to display such Fresnel Lens in the lantern room of such Light Station.

(b) Nothing in this paragraph shall be construed to prevent the Township from installing a Fresnel Lens in the lantern room of such Light Station.

(c) CONVEYANCE, TRANSFER OF ADDITIONAL PERSONAL PROPERTY.—Notwithstanding any other provision of law, the Commandant may convey or transfer possession of any personal property of the United States, pertaining to the Fresnel Lens or the Light Station, as an artifact to the Township.

(d) TERMS; REVERSIONARY INTEREST.—As a condition of transfer of possession of personal property of the United States pursuant to subsection (c), the Commandant may require the Township to comply with terms and conditions necessary to protect such personal property. Upon notice that the Commandant has determined that the Township has not complied with such terms and conditions, the Township shall immediately transfer possession of such personal property to the Coast Guard, except to the extent otherwise approved by the Commandant.

(e) CONVEYANCE WITHOUT CONSIDERATION.—The conveyance or transfer of possession of any personal property of the United States (including the Fresnel Lens) under this section shall be without consideration.

(f) DELIVERY OF PROPERTY.—The Commandant shall deliver—any personal property conveyed or transferred pursuant to this section (including the Fresnel Lens)—(1) at the place where such property is located, at the discretion of the Commandant; and

(2) in condition on the date of conveyance:

and

(g) WITHOUT COST TO THE UNITED STATES.

(h) LIMITATION ON FUTURE TRANSFERS.—The instruments providing for the transfer of possession of the Fresnel Lens or any other personal property of the United States under this section shall:

(i) require that any further transfer of an interest in the Fresnel Lens or personal property may not be made without the advance approval of the Commandant; and

(ii) provide that, if the Commandant determines that an interest in the Fresnel Lens or personal property was transferred without such approval—

(A) all right, title, and interest in the Fresnel Lens or personal property shall revert to the United States; and

(B) the recipient of the Fresnel Lens or personal property shall pay the United States $100 for each vessel entitled to fly the flag of the United States in recovering the Fresnel Lens or personal property.

(i) ADDITIONAL TERMS AND CONDITIONS.—The Commandant may require such additional terms and conditions in connection with the conveyance or transfer of personal property of the United States (including the Fresnel Lens) authorized by this section as the Commandant considers appropriate to protect the interests of the United States.

SEC. 917. MANAGEMENT

(a) PENALTIES.—Section 2237(b) of title 18, United States Code, is amended to read as follows:

"(b) Whoever knowingly violates this section shall—"

"(1) if the offense results in death or involves kidnapping, an attempt to kidnap or to kill, contempt of court or an attempt to commit an offense, under section 2241 (relating to aggravated sexual abuse) without regard to where it takes place, or an attempt to kill, be fined under this title or imprisoned for not more than 15 years, or both;

"(2) if the offense results in serious bodily injury (as defined in section 1365), be fined under this title or imprisoned for not more than 5 years, or both;

"(3) if the offense involves knowing transportation of human beings and is committed in the course of a violation of section 274 of the Immigration and Nationality Act; chapter 77 or section 111, 111A, 113, or 117 of title 43 of this title; or title II of the Act of June 15, 1917 (Chapter 30; 40 Stat. 220), be fined under this title or imprisoned for not more than 15 years, or both; and

"(4) in any other case, be fined under this title or imprisoned for not more than 5 years, or both."
Subsection B—Implementation of the Convention

SEC. 1021. CERTIFICATES.

(a) REQUIREMENTS.—On entry into force of the Convention for the United States, any vessel of at least 400 gross tons that engages in at least 400 gross tons that engages in at least one international voyage (except fixed or floating platforms, FSUs, and FPSOs) shall carry an International Antifouling System Certificate.

(b) ISSUANCE OF CERTIFICATE.—On entry into force of the Convention, on a finding that a successful survey required by the Convention has been completed, a vessel of at least 400 gross tons that engages in at least one international voyage (except fixed or floating platforms, FSUs, and FPSOs) shall be issued an International Antifouling System Certificate.

(c) MAINTENANCE OF CERTIFICATE.—The Secretary may issue the Certificate required by this section. The Secretary may delegate this authority to an organization that the Secretary determines is qualified to undertake that responsibility.

(d) CERTIFICATES ISSUED BY OTHER PARTY COUNTRIES.—A Certificate issued by any country that is a party to the Convention shall be considered the same validity as a Certificate issued by the Secretary under this section.

(e) VESSELS OF NON-PARTY COUNTRIES.—Notwithstanding subsection (c), a vessel of at least 400 gross tons, having the nationality of or entitled to fly the flag of a country that is not a party to the Convention, may demonstrate compliance with this title through other appropriate documentation considered acceptable by the Secretary.

SEC. 1022. DECLARATION.

(a) REQUIREMENTS.—On entry into force of the Convention for the United States, a vessel of at least 24 meters in length, but less than 400 gross tons engaged on an international voyage (except fixed or floating platforms, FSUs, and FPSOs) must carry a declaration described in subsection (b) that is signed by the owner or owner's authorized agent.

(b) CONTENT OF DECLARATION.—The declaration must contain a clear statement that the antifouling system on the vessel complies with the Convention. The Secretary may prescribe the form and other requirements of the declaration.

SEC. 1023. OTHER COMPLIANCE DOCUMENTATION.

In addition to the requirements under sections 1021 and 1022, the Secretary may require the documentation considered necessary to verify compliance with this title.

SEC. 1024. PROCESS FOR CONSIDERING ADDITIONAL CONTROL MEASURES.

(a) ACTIONS BY ADMINISTRATOR.—The Administrator may—

(1) participate in the technical group described in Article 7 of the Convention, and in any other body convened pursuant to the Convention for the consideration of new or additional controls on antifouling systems;

(2) evaluate any risks of adverse effects on nontarget organisms or human health presented by a given antifouling system under the Convention, including benefits in the United States and elsewhere associated with the production and use in the United States and elsewhere, of the subject antifouling system; and

(3) develop recommendations based on that assessment.

(b) REFERRALS TO TECHNICAL GROUP.—

(1) CONVENCING OF SHIPPING COORDINATING COMMITTEE.—On referral of any antifouling system to the technical group described in article 7 of the Convention for consideration of new or additional controls, the Secretary of State shall convene a public meeting of the Shipping Coordinating Committee for the purpose of receiving information and comments regarding controls on such antifouling system. The Secretary of State shall advance proposals for new or additional controls of antifouling systems under the Convention to the Committee and use it in the United States, including benefits in the United States and elsewhere associated with the production and use in the United States and elsewhere, of the subject antifouling system; and

(4) develop recommendations based on that assessment.
enter at reasonable times any location where there is being held or may be held organotin or any other substance or antifouling system regulated under the Convention, for the purpose of inspecting or obtaining samples of any containers or labeling for organotin or other substance or system regulated under the Convention.

(2) SUBPOENAS.—In any investigation under this section the Administrator may issue subpoenas to require the attendance of any witness and the production of documents and other evidence. In case of refusal to obey such a subpoena, the Administrator may require the Attorney General to compel compliance.

(b) STOP MANUFACTURE, SALE, USE, OR REMOVAL ORDERS.—Consistent with section 1013, whenever any organotin or other substance or system regulated under the Convention has been or is intended to be manufactured, distributed, sold, or used in violation of this section, the Administrator may issue a stop manufacture, sale, use, or removal order to any person that owns, controls, or has custody of such organotin or other substance or system regulated under the Convention. After receipt of that order the person may not manufacture, sell, distribute, use, or remove the organotin or other substance or system regulated under the Convention as described in the order except in accordance with the order.

SEC. 1034. ADDITIONAL AUTHORITY OF THE ADMINISTRATOR.

(a) STOP MANUFACTURE, SALE, USE, OR REMOVAL ORDER.—The Administrator, in consultation with the Secretary, may establish, as necessary, terms and conditions regarding the removal and disposal of antifouling systems prohibited or restricted under this title.

Subtitle D—Action on Violations, Penalties, and Referrals

SEC. 1041. CRIMINAL ENFORCEMENT.

Any person who knowingly violates paragraphs (2), (3), (4), or (5) of section 1031(a) or section 1031(b) shall be fined under title 18, United States Code, or imprisoned not more than 6 years, or both.

SEC. 1042. CIVIL ENFORCEMENT.

(a) CIVIL PENALTY.—

(1) IN GENERAL.—Any person who is found by the Secretary or Administrator, as appropriate, after notice and an opportunity for a hearing, to have—

(A) violated the Convention, this title, or any regulation prescribed under this title, is liable to the United States Government for a civil penalty of not more than $35,500 for each violation; or

(B) made a false, fictitious, or fraudulent statement or representation in any matter in which a statement or representation is required to be made by the Secretary under the Convention, this title, or any regulation prescribed under this title, is liable to the United States for a civil penalty of not more than $5,000 for each such statement or representation.

(2) RELATIONSHIP TO OTHER LAW.—This subsection shall not limit or affect the authority of the Government under section 201 of title 18, United States Code.

(b) ASSESSMENT OF PENALTY.—The amount of the civil penalty shall be assessed by the Secretery or Administrator, as appropriate, by written notice.

(c) LIMITATION FOR RECREATIONAL VESSEL.—A civil penalty imposed under subsection (a) with respect to the violation of the Convention, this title, a recreational vessel, as that term is defined in section 201 of title 46, United States Code, for a violation of the Convention, this title, or any regulation prescribed under this title involving that recreational vessel, may not exceed $5,000 for each violation.

(d) APRONNTARY PROVISIONS FOR PURPOSES OF PENALTIES UNDER THIS SECTION.—

If for purposes of this section, any person in charge of a vessel is liable for a violation of the Convention, this title, or any regulation prescribed under this title, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violation of the degree of culpability, any history of prior offenses, the economic impact of the penalty on the violator, the economic benefit to the violator and other matters as justice may require.

(e) REWARD.—An amount equal to not more than one-half of any civil penalty assessed by the Secretary or Administrator under this section may, subject to the availability of appropriations, be paid by the Secretary or Administrator, respectively, to any person who provided information that led to the assessment or imposition of the penalty.

(f) REFERRAL TO ATTORNEY GENERAL.—If any person fails to pay a civil penalty assessed under this section after it has become due, the Secretary or Administrator, as appropriate, may refer the matter to the Attorney General of the United States for collection in the appropriate district court of the United States.

(g) COMPROMISE, MODIFICATION, OR REMIS-SION.—Before referring any civil penalty that is subject to assessment or has been assessed under this section to the Attorney General, the Secretary or Administrator, as appropriate, may compromise, modify, or remit, with or without conditions, the civil penalty.

(h) NONPAYMENT PENALTY.—Any person who fails to pay or a timely basis a civil penalty imposed under this section shall also be liable to the United States for interest on the penalty at an annual rate equal to 11 percent compounded quarterly, attorney fees and costs for collection proceedings, and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. That nonpayment penalty shall be in an amount equal to 20 percent of the aggregate amount of that person’s penalties and nonpayment penalties that are unpaid as of the beginning of that quarter.

SEC. 1043. LIABILITY IN REM.

(a) IN GENERAL.—If any vessel that is subject to the Convention or this title, or any regulation prescribed under this title, is liable in rem for any fine imposed under section 18, United States Code, or civil penalty prescribed under this section or section 1042, or if refusal or revocation of any registration, certificate, or permit issued in connection with the vessel is subject to the Convention, this title, or any regulation prescribed under this title, or if the vessel, its owner, operator, or person in charge, is liable for a fine or civil penalty under section 1042 or 1043, if the case arises exclusively from acts committed by a vessel, its owner, operator, or person in charge, the United States District Court for the district in which the vessel is located shall have exclusive jurisdiction over the proceeding.
exclude the vessel from any port or offshore terminal under the jurisdiction of the United States.

(b) NOTIFICATIONS. If action is taken under subsection (a), the Secretary, in consultation with the Secretary of State, shall make the notifications required by the Convention.

SEC. 1046. REFERRALS FOR APPROPRIATE ACTION BY FOREIGN COUNTRY.

Notwithstanding sections 1041, 1042, 1043, and 1045, if a violation of the Convention is committed that is registered in or on an international or national vessel, the Secretary, acting in coordination with the Secretary of State, may refer the matter to the government of the country in which the violation occurred, for appropriate action.

SEC. 1047. REMEDIES NOT AFFECTED.

(a) IN GENERAL.—Nothing in this title limits, denies, amends, modifies, or repeals any other remedy available to the United States.

(b) RELATIONSHIP TO STATE AND LOCAL LAW.—Nothing in this title limits, denies, amends, modifies, or repeals any rights under existing law, of any State, territory, or possession of the United States, or any political subdivision thereof, to regulate any antifouling system. Compliance with the requirements of this title, or any political subdivision of the United States Coast Guard, is, again, one of our service organizations, and it doesn’t need to be hamstrung by Congress.


SEC. 1048. REPEAL.

The Organotin Antifouling Paint Control Act of 1988 (33 U.S.C. 2401 et seq.) is repealed.

The Speaker pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from New Jersey (Mr. LOBIONDO) each will control 20 minutes. The Chair recognizes the gentleman from Minnesota.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on House Resolution 1665.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

Mr. LOBIONDO. Mr. Speaker, I yield myself such time as I may consume.

Matters of general importance that do not pertain directly to the business of the House are subject to a time limit of 15 minutes.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

The Coast Guard Authorization Act of 2010 is a bill this committee has considered for the past 5 years, starting in the time of the Republican majority, when our committee was unified, our committee was unified behind this bill but we couldn’t get the other body to act upon it. We have now happily been able to do so.

The bill will enable the Coast Guard to continue to perform and meet its daily demands, allowing it to continue to be defined as the world’s premier maritime service.

Over the past several years, the Coast Guard has fought international terrorism, defended Iraqi pipelines, patrolled for pirates in the Arabian Sea, saved thousands of lives during Hurricane Katrina, and is leading the response effort to the largest oil spill in U.S. history. We must provide the Coast Guard with the support it needs to take care of its staff and carry out its everyday missions. We also need to make long overdue reforms that will enhance the Coast Guard’s ability to carry out its critical missions for maritime safety, for security, and protection of the environment. The bill we consider today carries out those objectives.

Mr. Speaker, I reserve the balance of my time.

Mr. LOBIONDO. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Speaker, I thank the gentleman from New Jersey (Mr. LOBIONDO) for his yielding, and also for the excellent job. There is no one more dedicated to the United States Coast Guard than the gentleman from New Jersey (Mr. LOBIONDO). He loves, works, breathes, just exists to assist the United States Coast Guard. I am very proud of that dedication he exhibits.

And also I have to compliment Mr. OBERSTAR, my partner. We have probably one of the greatest challenges of any committee we serve in Congress. We have the largest committee in Congress, great deal of jurisdictional areas and none that we enjoy working on more than the United States Coast Guard. These are some fantastic Americans, one of the major service organizations of the United States, and sometimes I think the least recognized.

And we have been blessed with great leaders, Thad Allen. He came just at the right time, inherited so many problems, it wasn’t even begun to enumerate the problems. I think he came on duty about the same time I became the ranking Republican, and I would get his calls. And he always handles every situation so professionally. We have been blessed as a Nation to have leadership in the Coast Guard like that, Thad Allen, now Admiral Papp. And poor Thad Allen, just when he thought he was about to retire, just at the end of his watch and survive an incredible disaster in the gulf. And folks have to remember, the first responder to our shores is the United States Coast Guard, the protectors of our, not just maritime safety, but national security. And they have done that through their long, rich, and productive history. So tonight, this is long overdue too, this authorization. I believe that is some 4 years in coming. I have been the ranking member for 3. And I am pleased that tonight, as the Congress probably will go into recess, that we are able to set with this bill the major policy decisions to operate the United States Coast Guard. This is the whole framework of Federal policy. You have to authorize these projects by the Constitution. Under the Constitution and laws, we must pass a law that gives them the authority to operate. So it is the framework, the policy. It really sets the funding parameters. And I think also I am pleased to rise on behalf of my side of the aisle. Right now, people—I just got back from my district and traveled in August across the United States—they are tired of huge expenditures, 200 percent increase in one program, skyrocketing deficit that this Congress has brought on. This is a moderate increase. It represents a 3 percent increase, and I think it deserves and is worthy of our support.

The other thing about the Coast Guard is, they aren’t like some agencies, lobbying for huge amounts of money, or this team of lobbyists or special interests or whoever coming here, whining, complaining, trying to expand what’s in the program, in expansion of the original intent. If we get more of the taxpayer money, excluding the vessel from any port or offshore terminal under the authority of a country that is a party to the Convention, or by a vessel operated under the authority of a country that is a party to the Convention, the Secretary, acting in coordination with the Secretary of State, may refer the matter to the government of the country’s registry or national flag vessel is operating, for appropriate action, rather than taking the actions otherwise required or authorized by this subtitle.

Mr. Speaker, I reserve the balance of my time.

Mr. LOBIONDO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on House Resolution 1665.
There was a provision originally introduced that would have prohibited States from conducting additional background checks on port workers to ensure that drug smugglers and other convicted felons’ access to secure areas of our ports was actually allowed under the terms of the bill. States should be able to ensure that their ports too are safe; and if they have the need of a background check, it should be done. And we shouldn’t have felons and others with bad records in some of the secure areas of our ports. So I think we have also improved the quality of that particular provision.

Then I think we have put some commonsense acquisition reform. When originally introduced, this bill would have, I think, created a disastrous recipe for failure for the United States Coast Guard to become a systems integrator. Now, I know we have had problems. We had problems with the national security class Coast Guard cutter that we tried to produce for the first time. We had problems with changing out 110-foot Coast Guard cutters to a longer model—I believe it was a 123-foot version. Yes, we had problems with some of these projects. But the answer isn’t for government to step in and create a huge operation.

When you get into some of the acquisition questions, and systems design and systems integration, even the United States Navy, which has one of the largest maritime fleets in the world, has troubled doing some of this by itself. The Navy is a much larger entity than the United States Coast Guard. It has a larger budget, a larger constituency, and casting legislation that would require them to do things that really they don’t have the capability of doing was, I think, not a good proposal, and I think we have made it a better proposal.

The other thing we have to remember too, the Coast Guard pays a lot less than the private sector. And God bless those men and women who serve. Many of those professionals end up going into the private sector, or the private sector attracts folks to do these highly technical systems integration programs, and they have the resources to do this. Also, the other thing, too, we found with the Coast Guard is we do have a turnover in Coast Guard personnel. Many people serve their whole career there, but there is also a turnover in some of these highly professional, highly technical positions.

So given all of that, I think the provisions that were put in this legislation will allow us to repeat some of the mistakes of past acquisitions and not get the government into creating a huge bureaucracy of acquisition or to take on something that the Federal Government should not do and cannot do, and we can do it much more cost effectively, I think, in the manner that we prescribed in this legislation.

So I am pleased with the bill. It took some tough negotiations, but took some time. I am honored to join my colleagues—Mr. OBERSTAR, Mr. LoBIONDO, Mr. CUMMINGS, some of the other members here tonight, anyone who was involved in this on both sides of the aisle—and particularly the staff who worked so hard to secure what I think is not only a sound piece of legislation but an excellent bipartisan product that the American people can be proud of.

Mr. OBERSTAR. I yield myself such time as I may consume.

Mr. Speaker, I will conclude on our side recognizing and acknowledging the splendid work and the diligent effort of the gentleman from Maryland (Mr. CUMMINGS) who is the chair of the Coast Guard Subcommittee. He devoted an enormous amount of time, hours of effort in hearings, one of which went for 10 hours on the Coast Guard procurement program where we had to hear in great detail the failure of the private sector to self-certify, in effect. That was a massive failure of the procurement system. We went into great detail. Mr. CUMMINGS spent an enormous amount of time and effort.

Mr. LoBIONDO as well gave his expertise, his years of seasoning and understanding of the Coast Guard’s work.

We passed major procurement reform. The Senate passed it, and we do not have to include that language in this legislation. Those reforms are moving into place. We are not going to repeat those mistakes of the past. It was necessary to make those changes. It was urgent for the integrity of the Coast Guard and for its successful operation.

And all through this, the gentleman from New Jersey (Mr. LoBIONDO) who was a partner, he regularly participated in all of the subcommittee hearings and our markup and lent great expertise to the final product of the committee. For that, I am enormously grateful and recognize and acknowledge his splendid contribution.

Mr. Speaker, I yield to the gentleman from Michigan (Mr. STUPAK) such time as he may consume.

Mr. STUPAK. Mr. Speaker, I thank the chairman for yielding me the time, and would like to engage the chairman, if I may, in a colloquy.

Mr. Chairman, as you know, the Coast Guard Station in Marquette, Michigan, relocated to a new location within the city of Marquette. The new location allows the Coast Guard to streamline their operations, be closer to the dock, and therefore respond to emergencies more quickly.

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Mr. STUPAK. Mr. Speaker, I thank the chairman, and I thank the minority side for their help and assistance in this matter.
Mr. OBERSTAR. How much time remains on our side, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from Minnesota has 13 minutes, and the gentleman from New Jersey has 9½ minutes.

Mr. OBERSTAR. I yield myself such time as I may consume.

I wish to express my appreciation to the ranking member of the full committee, Mr. MICA, who made a very elaborate statement about the provisions of the bill. I will not elaborate on it, except with him that we are getting the best bargain perhaps in all of government—although he didn’t put it this way, I do—in supporting the missions of the Coast Guard. They are extraordinarily frugal and economical in carrying out their missions.

When I was elected to Congress in 1974 and started my service on the Merchant Marine and Fisheries Committee as well as the Public Works Committee, the Coast Guard’s authorized personnel was 29,000. Today, we increase it to 47,000. But in that almost 36 years, we have added 27 new missions to the Coast Guard without commensurately increasing their personnel.

The Coast Guard has proudly held itself up as a multimission agency, able to carry out numerous overlapping missions without adding personnel. We recognize, however, that there is a limit to how much you can stretch your existing personnel. By a modest increase in the Coast Guard’s personnel limit, we give them the personnel resources it will need to carry out the mission of the future for safety and for security.

Mr. Speaker, this also is a very nos
talgic moment for me. This year represents 31 years that John Cullather, the chief counsel of the Subcommittee on Coast Guard, has served the House of Representatives. He started with our former colleague Don Pease as a legislative assistant, and then as counsel on the Committee on Merchant Marine and Fisheries. This will be the last bill that John Cullather will bring to the House floor as counsel of the Coast Guard Subcommittee.

He has served enormously well, with a profound grasp of the legislative history of the Coast Guard, of our Merchant Marine forces, of maritime law. He is recognized widely across Washington as the font of knowledge on maritime law of the United States and, of course, specifically the Coast Guard.

John has told me just today of his intention not to return to the end of this session. I am personally grateful for the friendship that we have had over these 30-plus years, and more specifically during the years he served on the Committee on Transportation and Infrastructure in the role of counsel.

I think back over the long history of this country, in the First Congress, the third act of the first Congress was to establish the Revenue Cutter Service to collect duties from inbound cargoes and pay the debts of the Revolutionary War. That Revenue Cutter Service became what we know as the Coast Guard today.

John Cullather has served our maritime history as he never has before. He is Semper Paratus.

John is a splendid contribution, and to John Cullather, Semper Paratus.

I reserve the balance of my time.

Mr. LaBIONDO. Mr. Speaker, I yield myself such time as I may consume.

I want to again thank Mr. OBERSTAR for his diligent work on this, and Mr. MICA. A lot has been said by both Mr. OBERSTAR and Mr. MICA, but a couple of points need to be reiterated, I believe.

I think the men and women of the Coast Guard are some of the most under-recognized and under-appreciated patriots that we have in our country. For the many years a message was sent to them as we increased their mission that it was acceptable for them to be expected to do more with less. We send a very clear signal with this legislation that that is not the case.

I am very appreciative of the majority’s position in rejecting the President’s very misguided direction to cut the Coast Guard with personnel and funding, exactly the wrong message at the wrong time.

We can look to some other things that are in this bill that maybe aren’t quite as high profile, but there is a housing provision in this bill that the Master Chief of the Coast Guard, Mr. Bowen, Master Chief Bowen, came and talked about, the horrendous conditions that we are expecting men and women of the Coast Guard to live in, and this helps to correct that.

Another issue that is not at the forefront today, but it certainly was a very short time ago, and that was the piracy issue. We are taking steps to allow the captain and crew of U.S. vessels to be able to defend themselves and their cargo. This is a good step in the right direction.

Overall, this bill is very, very much past due, and I am very pleased that we are going to be able to move forward with that. I want to thank Mr. OBERSTAR, Mr. CUMMINGS, Mr. MICA and all staff on both sides for so much in their doing.

I yield back the balance of my time.

Mr. OBERSTAR. I yield myself the balance of my time.

Again, in addition to Mr. Cullather, there are staff on the Republican side of the committee and other members on the majority side who have all worked together diligently. These have been stressful times these last several weeks as we worked that could pass the other body and overcome several reservations and objections raised.

We have accomplished that. We have done that in a bipartisan fashion and have brought to the House, and I think directly through the Senate to the President—it should go to the President this week and be signed, this authorization for the U.S. Coast Guard.

Again, it will be theculminating work of John Cullather in his service to the committee and to the Congress. I know, having served on the staff, without our dedicated, seasoned, career professional staff, we members of Congress would have a very difficult time accomplishing our work.

I thank you on both sides for your splendid contributions, and to John Cullather, Semper Paratus.

Mr. THOMPSON of Mississippi, Mr. Speaker, I rise in strong support of H.R. 3619, a bill to authorize the activities of the United States Coast Guard.

This version of this legislation passed the House in October of last year and was subsequently amended by the Senate in May.

Action on the resolution before us today would send the bill back to the Senate for passage, clearing it for signature by the President.

H.R. 3619 provides new, long-overdue resources to the Coast Guard—a multi-mission agency that has been without an authorization for many years.

As Chairman of the Committee on Homeland Security, I am especially pleased that the bill strengthens Coast Guard’s maritime security operations to meet the challenges of our post-9/11 world.

Specifically, the bill authorizes an end-of-year strength of 47,000 Service Members for FY 2011; enhances acquisition reform for essential Coast Guard assets, such as the National Security Cutter; strengthens the Coast Guard’s Maritime Security Response Team-related activities; increases the number of C
targets such as large ships and maritime biometrics verification system for individuals interdicted at sea; authorizes interagency operational centers for port security; improves port security training for facility security officials; enhances security measures for liquefied natural gas (LNG) and other especially hazardous cargos; and authorizes a “see it, say it” type public awareness program for recreational boaters to report suspicious activities on the waters.

The bill also includes provisions that I fought hard for to improve the Transportation Worker Identification Credential (TWIC) program.

My Committee has done extensive oversight over the implementation of the TWIC program and, through that work, we have identified a number of areas where the program should be improved to take into account the interests of affected workers.

Specifically, H.R. 3619 includes provisions to: help workers who have already been subject to TWIC checks but are not yet holding TWIC cards be able to continue to work; improve TWIC application processing times; facilitate more convenient methods of applying for the credential; and require
GAO to look at whether DHS could mail credentials to applicants’ homes like the State Department does with passports.

We received testimony on September 17, 2008, from a trucker who needlessly spent hours making multiple visits to an enrollment center in the TWIC program. Streamlining that process will save workers and their employers a significant amount of time that would otherwise be wasted.

Though this bill does a great deal to take into account the challenges that workers have experienced in implementing the TWIC program, I am disappointed that language from the House-passed version—dealing with prohibiting redundant federal and state background checks—is not included in this version of the legislation.

I was also dismayed that certain House provisions dealing with the Coast Guard Academy are not included in this version of the bill.

When the bill was passed by the House last year, I worked with the Coast Guard Subcommittee Chairman, Mr. CUMMINGS, to include a new process for Members of Congress to nominate candidates for the Coast Guard Academy—as we are able to do for other Military Service academies.

It also included language specifically authorizing a Minority Service Institution Management Internship Program. The Coast Guard lags behind the other Services in diversity and these measures were intended to help make the Coast Guard better reflect the American people.

Unfortunately, the provisions were removed from the bill due to objections by certain Members of the other body.

Nevertheless, what you have before you is a good and necessary bill. It authorizes the resources and programs necessary to ensure that the Coast Guard is able to live up to its motto—'Always Ready.'

This bill and the United States Coast Guard deserve our support.

In closing, I would like to thank Chairman OBERSTAR and Chairman CUMMINGS for working to bring this bill to the floor.

I would also like to express my appreciation to Rear Adm. WIGGS and his staff for working so cooperatively, particularly to ensure that the maritime security needs of the Coast Guard are met.

It is my hope that our Senate colleagues will act expeditiously to clear the bill for the President.

Mr. OBERSTAR. Mr. Speaker, I rise today in strong support of H.R. 3619, as amended, the “Coast Guard Authorization Act of 2010.” This bill is a comprehensive bill that will enable the Coast Guard to continue to perform and meet the growing demands, allowing it to continue to be defined as the world’s premier maritime service.

H.R. 3619 passed the House on October 23, 2009, and the Senate passed its version of the bill by unanimous consent on May 7, 2010.

Over the past several years, the Coast Guard has fought international terrorism, defended Iraqi pipelines, patrolled for pirates in the Arabian Sea, saved thousands of lives during Hurricane Katrina, and is now leading the response effort to the largest oil spill in U.S. history. It is now time for this process to provide the Coast Guard with the support that it needs to take care of its employees and carry out its everyday missions. At the same time, we need to make long overdue reforms, which will enhance the Coast Guard’s ability to carry out its important responsibilities for maritime safety and security, and protection of the environment.

The bill that we consider today will carry out those provisions in the context of agreement, in agreement with the Senate on a bipartisan basis. I am hopeful that following our passage, the Senate will pass the bill before the recess. It will be one of the major accomplishments of the 111th Congress.

H.R. 3619 authorizes $10.2 billion for the Coast Guard, of which $6.9 billion is for operations and maintenance and $1.6 billion is for Acquisition, Construction, and Improvements (including $1.2 billion for the Deepwater program). The Coast Guard is also authorized to increase its end strength by 1,500 personnel to a total of 47,000. In addition, H.R. 3619 incorporates other provisions addressing maritime safety, port security, the Coast Guard’s management structure, and acquisition reform.

H.R. 3619 makes administrative changes to the Coast Guard, including creating the position of District Ombudsman in each Coast Guard district to serve as a liaison between the Coast Guard and the maritime community. It also authorizes the reimbursement of medical-related travel for Coast Guard personnel who live in remote locations and grants access to the Armed Forces Retirement Home system to Coast Guard veterans. In addition, this administrative title authorizes active duty Coast Guard personnel who are assigned in support of a major disaster or spill of national significance to retain leave and authorizes the Coast Guard to retain and promote officers that have specialized skills to meet the needs of the Coast Guard.

H.R. 3619 also makes changes to laws applying to shipping and navigation. It contains provisions that establish a civil penalty for the possession of controlled substances on vessels. Further, H.R. 3619 requires the Commandant of the Coast Guard and the Administrator of the Environmental Protection Agency to study new technologies for reducing emissions from cruise and cargo vessels, including measures to help ensure safe and secure shipping in the Arctic.

While the Coast Guard has made significant improvements in strengthening its acquisition workforce, H.R. 3619 requires the implementation of acquisition-related policies and procedures and personnel standards that will build on the acquisition reform efforts that the service has already undertaken. H.R. 3619 establishes training and experience standards for acquisition personnel and requires the Commandant of the Coast Guard to select a Chief Acquisition Officer who meets prescribed training and experience standards. In addition, title IV of H.R. 3619 establishes an Acquisition Directorate within the Coast Guard with a defined mission and a workforce dedicated to performance improvement functions.

H.R. 3619 modernizes the Coast Guard by reorganizing its senior leadership and establishing career tracks for its members to develop expertise in a specific Coast Guard mission. It is imperative for the Coast Guard to sustain a marine safety program that is capable of preventing terrorist attacks; mitigating circumstances of casualties, and maximizing the lives of a crew in the event of a casualty. Therefore, H.R. 3619 modernizes the management of the service’s marine safety program and requires minimum qualifications for marine safety personnel. It also requires the Coast Guard to develop a long-term strategy for improving vessel safety, and authorizes creation of centers of expertise for marine safety.

In addition, H.R. 3619 enhances marine safety by establishing safety equipment and construction standards for uninspected commercial fishing vessels operating beyond three nautical miles of the coast of the United States. It requires fishing vessels of certain sizes and those that undergo substantial changes to comply with loadline regulations. H.R. 3619 also requires “safety management systems” on certain passenger vessels that establish safety and environmental protection policies and procedures for reporting accidents and responding to emergency situations. Furthermore, it permits seamen who suffer discrimination because they report safety violations to use the same Department of Labor complaint process that is currently available to workers in the other transportation modes.

Focus on improving oil pollution prevention, H.R. 3619 requires the Coast Guard to conduct a study and issue regulations to reduce the risk of oil spills during transfers of oil between vessels. In addition, H.R. 3619 extends liability for oil spills to the owners of vessels that are not engaged in commerce. H.R. 3619 amends the Oil Pollution Act of 1990 to extend to tank vessels of 100 gross tons or more the requirement to show financial responsibility for oil spills.

In addition, H.R. 3619 enhances port and cargo security through the establishment of the America’s Waterway Watch Program to promote voluntary reporting of activities that may indicate a threat or an act of terrorism. It also requires the Secretary of Homeland Security to establish, as needed, specialized deployable response teams to protect vessels, port facilities, and cargo. Furthermore, H.R. 3619 increases the Coast Guard’s capacity with respect to canine teams and authorizes the Coast Guard to assist foreign port facility operators to meet international port security standards.

This port security provision also prohibits approval of port facility security plans for new facilities unless the Secretary determines that sufficient security resources are available, and requires the Secretary to coordinate with owners and operators of port facilities to allow workers who have applied for a transportation workers’ security card and are awaiting issuance to be escorted into secure or restricted areas of a port facility.

H.R. 3619 also includes several miscellaneous provisions as follows:

Changes the penalties payable by operators of certain cruise ships for nonpayment of wages in class action suits;

Limits the liability for monetary damages of individuals who use or authorize the use of force to deter a vessel against piracy and other crimes, under certain conditions, criminal penalties for failing to heave to, obstructing Coast Guard boardings, and providing false information to the Coast Guard particularly for those vessels that are driven at an excessively high rate of speed to avoid enforcement of our immigration laws;

H.R. 3619 also aligns U.S. law with the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001,
and prohibits the sale, distribution, or manufacture of organotin or antifouling systems containing organotin.

Mr. Speaker, H.R. 3619 gives the hard-working men and women of the Coast Guard the tools and the direction that they need to continue as the world’s leading maritime agency.

I urge my colleagues to join me in supporting H.R. 3619.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. Oberstar) that the House suspend the rules and agree to the resolution, H. Res. 366.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

RESIDENTIAL AND COMMUTER TOLL FAIRNESS ACT OF 2010

Mr. MCMAHON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3960) to provide authority and sanction for the granting and issuance of programs for residential and commuter toll discounts and fare exceptions by States, municipalities, other localities, as well as all related agencies and departments thereof, and for other purposes, as amended.

The text of the bill is as follows:

H.R. 3960

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Residential and Commuter Toll Fairness Act of 2010”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Residents of, and regular commuters to, certain localities in the United States are subject to a transportation toll when using a transportation facility to access or depart the locality.

(2) Revenue generated from these tolls is used to support infrastructure maintenance and capital improvement projects that benefit not only the users of these transportation facilities, but the regional and national economy as well.

(3) Certain localities in the United States are situated on islands, peninsulas, or other areas in which transportation access is substantially constrained by geography, sometimes leaving residents of, or regular commuters to, these localities with no reasonable alternative to crossing or departing their island or peninsula, as well as the localities to which they want to go.

(4) Residents of, or regular commuters to, these localities often pay far more for transportation access than residents of, and commuters to, other areas for similar transportation options, and these increased transportation costs can impose a significant and unfair burden on these residents and commuters.

(5) To address this inequality, and to reduce the financial hardship often imposed on captive tollpayers, several public authorities have developed and implemented programs to provide discounts in transportation tolls.

SEC. 3. PURPOSE.

The purpose of this Act is to clarify the existing authority of, and as necessary provide express authorization for, public authorities to offer discounts in transportation tolls to captive tollpayers.

SEC. 4. TRANSPORTATION TOLLS.

(a) AUTHORITY TO PROVIDE DISCOUNTS.—A public authority authorized to carry out a program that offers discounts in transportation tolls to captive tollpayers.

(b) LIMITATIONS ON STATUTORY CONSTRUCTION.—Nothing in this Act may be construed to—

(1) limit any other authority of a public authority, including the authority to offer discounts in transportation tolls to other tollpayers; or

(2) affect, alter, or limit the applicability of a State or local law with respect to the authority of a public authority to impose toll discounts.

SEC. 5. DEFINITIONS.

In this Act, the following definitions apply:

(1) RESIDENTIAL TOLL.—The term “residential toll” means a toll or fare required for use of a transportation facility.

(2) PUBLIC AUTHORITY.—The term “public authority” has the meaning given that term by section 101 of title 23, United States Code.

(3) TRANSPORTATION FACILITY.—The term “transportation facility” includes a road, highway, bridge, rail, bus, or ferry facility.

(4) TRANSPORTATION TOLL.—The term “transportation toll” means a toll or fare required for use of a transportation facility.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. McMahon) and the gentleman from New Jersey (Mr. LoBiondo) will each control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. MCMAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MCMAHON. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 3960, the Residential and Commuter Toll Fairness Act of 2010. This bill aims to protect locally provided residential commuter toll and fare discounts throughout the Nation.

Many of us represent people in communities burdened by high tolls and fares. Due to isolating geographic factors, like residents on an island or peninsula, as well as the location of tolled roads and bridges, residents in and commuters to certain localities endure a disproportionate toll burden. These people are captive toll payers with little or no choice but to pay much more in tolls than their fellow citizens even within the same region.

In order to address these inequities for captive tollpayers, many States, local governments and local transportation agencies have enacted toll and fare discount programs. My district of Staten Island and Brooklyn, New York, suffers from some of the highest toll burdens in the Nation. In the Capital, Staten Island is the highest tolled county in the United States, and the cost of these tolls is truly outrageous. Just to put this issue in context for my colleagues, let me give you some examples.

The toll on the Verrazano-Narrows Bridge, which connects the Staten Island and Brooklyn sides of my district, now costs $11, and is scheduled to increase to $12 in the next few months. It may be hard for many Americans to believe, but discussions are already underway to further increase the toll on the Verrazano-Narrows Bridge to $13 in the coming years—$13 just to cross a bridge in order to go to school, to go to work or just to get off the island. It is not much better on all the other bridges surrounding Staten Island. The Bayonne, the Goethals Bridges and the Outerbridge Crossing—these are New Jersey-remote areas. Staten Islanders are truly captive tollpayers.

No matter which way they travel, they have no choice but to pay these tolls if they want to get back on the island.

To help alleviate this situation, the Metropolitan Transit Authority and the Port Authority of New York and New Jersey, which are the transportation agencies that run these bridges, have instituted a series of residential discount programs for Staten Islanders which reduce the amount that islanders pay for these bridges, sometimes reducing the cost by almost 50 percent. Many of these discounts have been in place for a decade or more; but even with these discounts, Staten Islanders spend about $500 per year, making it more than 7 percent of all tolls paid nationwide even though Staten Island represents less than 16 percent, or 1/600th, of the U.S. population. These statistics take into account the tolls paid with the residential discount programs in effect. Just imagine how much worse the situation would be without these residential discount programs.

But my district is not unique. Many of the States and localities grant similar residential discounts to captive tollpayers on roads across the country, including the Massachusetts Turnpike, the Sumner and Ted Williams Tunnels in Boston, the Marine Parkway and Cross Bay Vets Parkway in Rockaway, Queens, New York, the Tappan Zee Bridge in the Hudson Valley of New York, the New York Thruway, the Delaware Bay Bridge, the Rhode Island Turnpike, and the Newport Pell Bridge in Rhode Island, just to name a few. But in the last few years, many of these discount programs have come under attack in the courts. Last October, in a case entitled Selevan vs. New York...
Thruway Authority, the U.S. Court of Appeals for the Second Circuit held that toll discounts for residents of towns bordering the New York State Thruway may be unconstitutional. The plaintiffs in Selevan claimed, among other things, that the residential toll discount programs may be a dormant commerce clause violation, but the U.S. District Court for the Northern District of New York dismissed their case. The Second Circuit’s decision re-emphasized the need to restate the action, which will now move forward in the district court.

H.R. 3960 provides express congressional authorization for these discounts, and it makes clear that residual toll and fare discounts are constitutional, fair, and necessary to help alleviate the heavy toll burdens paid by so many captive tollpayers across the Nation. This is a national issue, affecting every person in communities burdened by tolls and fares, many of whom would otherwise be unable to travel without these critical discounts. Let me be clear about a few things:

First, the bill does not in any way limit the existing ability of States, local governments or local transportation agencies to offer discounts to captive tollpayers or to other tollpayers, nor does this bill provide any additional Federal authority over States in local decision making. In fact, the bill actually safeguards current State and local power.

All this bill actually does is provide an extra layer of protection against court challenges for those States, local governments or local transportation agencies to choose to offer discounts to captive tollpayers, like the people I represent, who suffer disproportionate toll burdens. Since article I, section 8 of the United States Constitution gives Congress the power to regulate commerce among the several States,” H.R. 3960 provides an express congressional statement under that provision, supporting the current ability of States, local governments and local transportation agencies to issue discounts to captive tollpayers.

However, toll discounts or government actions designed to give preferential treatment to residents of their States at the expense of other States or of the national economy will receive no benefits from this bill, and they will likely be struck down by the courts as violating the commerce clause. Therefore, I urge all of my colleagues to support this critical legislation.

I thank Chairman Oberstar, Chairman DeFazio and their terrific staffs for working with me to revise this bill to be sure we protect captive tollpayers and for helping to bring this bill to the floor today. I also thank my legislative director, Jeff Siegel, a Staten Islander who grew up paying these unfair tolls and who knows quite well the inequity that exists.

Mr. Speaker, I reserve the balance of my time.

Mr. LoBiondo. Mr. Speaker, the gentleman from New York did an excellent job of explaining how important this legislation is. It is a commonsense approach to solving a problem, and I support the bill.

Mr. Oberstar. Mr. Speaker, I rise today in strong support of H.R. 3960, as amended, the “Residential and Commuter Toll Fairness Act of 2010.”

The bill, introduced by the gentleman from New York (Mr. McMahon), clarifies the existing authority of, and as necessary provides express authorization for, public authorities to offer discounts in transportation tolls to residents of communities faced with limited transportation access and heavy toll burdens.

I have long been concerned about the high cost that highway or bridge tolls may impose on those who lack transportation alternatives. H.R. 3960 helps to respond to these concerns.

A number of communities across the nation have limited transportation access because the communities are located on islands, peninsulas, or other geographically-constrained areas. Furthermore, residents of, and commuters into, some of these localities face bridge tolls every time they enter or depart their communities.

Due to geography and the presence of tolls, residents and commuters in these communities often pay a large sum for their transportation access than residents and commuters in other areas. Such increased transportation costs may impose a significant and unfair burden on these “captive toll payers.”

To address this inequality, and to reduce the undue financial hardship on these individuals, a number of localities have implemented programs that offer residentially-based toll discounts. The Federal Highway Administration recognizes the authority of States and localities to operate these toll discount programs.

H.R. 3960 does not mandate the use of these programs. The Federal Highway Administration recognizes the authority of States and localities to operate these toll discount programs.

In short, this bill reinforces the right of communities to reduce the extreme toll burdens borne by captive toll payers, and it does so without infringing on any State or local laws or existing programs.

I urge my colleagues to join me in supporting H.R. 3960.

Mr. LoBiondo. I yield back the balance of my time.

Mr. McMahon. Mr. Speaker, I yield back the balance of my time.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) BP should fully cooperate with the Comptroller General to assure that the BP relief fund is accurately, expeditiously, and efficiently compensating Gulf coast victims of the BP Deepwater Horizon oil spill for their losses; and

(2) the costs incurred by the Comptroller General to carry out responsibilities under the Act should be reimbursed by BP.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. McMahon) and the gentleman from New Jersey (Mr. LoBiondo) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

Mr. McMahon. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include and press material on H.R. 6016.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. McMahon. I yield myself such time as I may consume.

Mr. Speaker, H.R. 6016 requires the Comptroller General of the Government Accountability Office to conduct an independent investigation and audit of the operations of the fund created by BP to compensate persons affected by the Gulf oil spill, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6016

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

SEC. 1. SHORT TITLE.

This Act may be cited as the “Audit the BP Fund Act of 2010”.

SEC. 2. INVESTIGATION AND AUDIT.

(a) IN GENERAL.—The Comptroller General shall conduct an ongoing independent investigation and audit of the operations of the fund and claims process created by BP to compensate persons affected by the BP Deepwater Horizon oil spill in the Gulf of Mexico beginning on April 20, 2010, as those operations take place to determine their effectiveness, including the timeliness of claim payments and the accuracy of those operations in determining amounts of damages compensated.

(b) USE OF SUBPOENA POWER.—The Comptroller General may use any investigative powers, including those of subpoena granted to the Comptroller General for the purposes of other investigations and audits, to conduct this investigation and audit.

(c) REPORT TO CONGRESS.—Every 90 days during the operations, and once after all those operations are completed, the Comptroller General shall report to Congress on the effectiveness of those operations.

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The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. McMahon. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include and press material on H.R. 6016.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. McMahon. I yield myself such time as I may consume.

Mr. Speaker, H.R. 6016 requires the Comptroller General of the Government Accountability Office to conduct an independent investigation and audit of the operations of the fund and claims process created by BP in response to the Deepwater Horizon oil spill disaster.
We have heard complaints from State and local attorneys critical of the overly restrictive terms. Others have said there’s not been enough time to assess the damages. Others are concerned that fraudsters will take money away from those honest people and families and businesses that are waiting for their dollars.

And thus far, the fund has paid out about $400 million to approximately 30,000 claimants. Obviously, that is about 2 percent of the fund. That is slow—we think a little too inefficient for those who have been damaged—and this is precisely why we need this bill, to ensure that the fund functions as it should.

With that, I urge support for H.R. 6016.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H.R. 6016, as amended, the “Audit the BP Fund Act of 2010.” This legislation requires the Government Accountability Office (GAO) to undertake an ongoing independent investigation and audit of the BP Oil Spill Victims Compensation Fund (Fund). This bill authorizes GAO to use its underlying subpoena power, where necessary, to ensure the accuracy and completeness of its audit and investigation.

Finally, Mr. Speaker, this legislation requires the GAO to issue a report to Congress every 90 days during its audit and investigation, as well as a final report to Congress when the BP fund and claims process is completed. This information is essential for Congress to continue its ongoing oversight of the response and recovery of what is now likely the world’s fifth largest oil spill in history. I reserve the balance of my time.

Mr. LOBIONDO. I yield such time as may be necessary.

Mr. LOBIONDO. I yield back the balance of my time.
The festival highlights and demonstrates the importance of literacy, creativity, and imagination in our schools, our young people, and throughout our society. The festival vividly brings to life the richness of books and fosters a lifelong love of reading.

So we congratulate the Library of Congress for its achievements in hosting the festival and wish them continued success. I urge my colleagues to support this resolution.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to applaud the actions of the House of Representatives in recognizing the commitment and efforts made by the Library of Congress in its efforts to promote and foster the joy of reading.

On September 25, 2010, the Library of Congress held its tenth National Book Festival on the National Mall. President Barack Obama and First Lady Michelle Obama served as the honorary chairs for this event. The National Book Festival invites readers from around the nation to celebrate books, reading, and creativity. It gives the country the opportunity to visit with more than 70 award-winning authors who will talk about and sign their books. Over the past ten years, the National Book Festival has grown in popularity. Last year, it brought more than 130,000 book lovers, including those from my home state of Georgia, to the National Mall.

As the resolution states, the National Book Festival is a national treasure that fosters the joy of reading. Even in this modern digital age, reading has a host of benefits. Reading develops our creativity, broadens our interests, and introduces us to new things and different parts of the world. I am proud that Georgia was represented at the National Book Festival, along with all 50 states and the District of Columbia, at the Pavilion of the States where representatives were able to discuss and distribute materials about Georgia’s reading and literacy programs.

Mr. Speaker, I urge my colleagues to join me in support of this resolution.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield back the balance of my time.

Mr. Speaker, I urge my colleagues to join me in support of this resolution.

Mr. DARRELL E. ISSA of California. Mr. Speaker, I rise today in support of H. Res. 1646. I was privileged to be one of those unique bills where every single member of the committee, Democrat or Republican, sponsored it. That is not unusual in the sense that the goal of this bill is to celebrate one of the greatest gifts we can give to our children: that is, the gift of reading.

The first Library of Congress National Book Festival was held on September 8, 2001, so this year it celebrates its 10th anniversary with an other highly attended, all-day event and remarkable popularity of authors. The National Book Festival has only grown in popularity over this last decade, and this year’s estimate is that over 150,000 individuals attended the 2010 festival this past Saturday.

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It’s right. Under current law—people probably are surprised by this. Under current law, the chief election official, the person who actually is certifying the final validity of the results, can be actively backing a side by giving a candidate money or other support. It is the equivalent of a person being a player and referee at the same time. In sports, everyone knows who the refs are because they wear the stripes. In elections, the officials can actually run plays on the field and blow the whistle, all while wearing team jerseys and being head of the booster club.

The election official may be and probably is—I would suspect mostly—is making the right calls. But it doesn’t look unbiased, and it certainly doesn’t inspire confidence in the system and in the results.

As a former president of the League of Women Voters in San Diego and a proud American voter myself, I know that election officials are entrusted with a crucial responsibility for our democracy. Their only allegiance must be to the will of the voters, not to partisan political agendas or special interests.

Americans are craving good government solutions to problems facing our country, and this legislation is just that. Congress should not wait for another Florida or Ohio before passing a bill that should not be a partisan fight. In fact, this isn’t a partisan issue. It’s an issue of preserving the American people’s faith and the integrity of our democracy. This bill will finally close the door on inherent conflict of interest. It certainly won’t solve everything, but it will help prevent future controversies.

Those who want to oppose this bill can come up with all kinds of excuses for their position. But let’s be clear: A vote against this bill is a vote for allowing those who certify our elections to fund-raise and rally for candidates of their choice. If you want our elections to appear tainted, then go ahead and vote against this bill. But if you think election officials should join Federal judges in restraining from political activity, then I hope my colleagues will join me in voting for this bill.

Mr. Speaker, I reserve the balance of my time. Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am surprised that this bill is so basic you could call it Election Officiating 101, and as any novice knows, when the outcome of a contest is determined by judges, steps are taken to ensure that the judgment is impartial so that everyone involved knows that the contest is fair, that they have confidence in the results, and that they want to participate. To actively support one side and to be a judge is unthinkable in every kind of competition. I can think of, except Mr. Speaker, one, our elections, the most important contest in our country.

When I introduced this in the last Congress, they gave us the number of State and Federal candidates under the emergency provisions that was pretty fitting because this bill is so basic, you could call it Election Officiating 101, and as any novice knows, when the outcome of a contest is determined by judges, steps are taken to ensure that the judgment is impartial so that everyone involved knows that the contest is fair, that they have confidence in the results, and that they want to participate. To actively support one side and to be a judge is unthinkable in every kind of competition. I can think of, except Mr. Speaker, one, our elections, the most important contest in our country.

When I heard the gentlelady talking about the analogy to a football referee having a conflict with a team playing, I was reminded of the game I saw this last weekend where unfortunately my alma mater, Stanford, didn’t do too well against a Pac-10 team with Pac-10 referees. As a matter of fact, there was one case where it was clear that the fullback for Stanford didn’t even come close to making a first down, and yet with some myopic vision, they were given a first down. But I would not suggest there was a conflict there. The way we played, we would have lost anyway.

I would just say that we should proceed with great caution before depriving any individual State official or non-State official of their full rights as citizens to participate in the electoral process. Unfortunately, I feel the majority has proceed with H.R. 512 without adequate justification. The bill does prohibit the chief State election administrator from taking an active role in a political campaign of any Federal office.

And while this bill places significant restrictions on the ability of secretaries of State to participate in the political process, it does so, in my judgment, without producing any justification why such a drastic action is warranted. I believe, under the canons of ethics, a Federal judge cannot run for another Federal office while still occupying the position of Federal judge. Also, if an immediate family member is running for Federal office, the election official of the State is not prohibited.

It would seem to me that if you are going to argue for this bill on the basis of a conflict of interest, why do you extend the greatest conflict of interest that there would be? That is, if the election official is running for a Federal office, she is allowed to do so and continue to be the chief election officer. If one of her immediate family members is running, she—or he—is allowed to continue to participate fully in all of that election process.

Now, if, in fact, the concern of the majority is that there is a conflict of interest, it is interesting that what most people would consider the greatest example of a conflict of interest is not covered here. Now I will listen to the majority as they tell us why that happens. Perhaps it is what we call that difficult truth. The Constitution might come into play here. But I would just wonder why, if they are going to say this is absolutely necessary and that any of us vote against it must want conflicts of interest, must wish that we have this cloud over our elections to exist, why those situations that would seem the greatest opportunity for that concern are specifically exempted under the terms of this bill.
We can all agree that if someone is breaking the law and abusing their power to try to skew elections, they should be prosecuted accordingly. If, for instance, someone is standing outside a polling place with a billy club in their hand and is making threatening gestures to people as they come before him, have to pass by him to vote, and this person has had a record of saying that “crackers’ babies ought to be killed” and stands on the street corner condemning racially mixed couples, but yet we have a Justice Department which says that that doesn’t violate any laws.

Maybe it would be a little more concerned about the bill before us if I found any evidence whatsoever of the other side being concerned about the New Black Panther Party standing there all dressed in black with a billy club as people come forward, and one of the two individuals is known as someone who has made those kinds of threats against somebody else merely because they are of another race.

Now if we want to bring that forward, I think we could get a strong vote of support here. But we can’t even get a hearing on that. We haven’t heard a thing, not even in our Judiciary Committee. It’s more important to bring Steve Colbert to testify before our committee, for him to remain in character. Maybe we ought to bring one of those New Black Panthers to our committee and have him in character, as he was on the day of election. Maybe we would be getting down to our concern for equal treatment of each and every voter in America.

But when you have a Justice Department which decides they are not going to treat people equally based on their race, as was testified to last week, last Friday was our Judiciary Committee. It’s more important to bring Steve Colbert to testify before our committee, for him to remain in character. Maybe we ought to bring one of those New Black Panthers to our committee and have him in character, as he was on the day of election. Maybe we would be getting down to our concern for equal treatment of each and every voter in America.

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I am trying to show the contrast of what I happen to think is an immediate problem, as opposed to the potential problem that the gentilelady here has spoken about.

It is an immediate problem when you have a situation with people with billy clubs standing in front of a voting poll with a reputation for having talked about the fact that people need to kill babies for the very reason that they happen to be of another race. That ought to outrage Americans. It ought to outrage us, it ought to outrage everyone of us, here, and it ought to outrage everybody at the Justice Department, but thus far it has not.

Mr. Speaker, I yield back the balance of my time.

Mrs. DAvis of California. Mr. Speaker, it is really interesting to me because one of the first things I think my colleague said was that this was somehow drastic legislation. And yet he went on to go out and think about how he might expand it.

Well, I appreciate the issues that he is referring to. Those are issues that, in fact, the Justice Department is looking at, a number of allegations that they are looking at.

But that is not part of this bill. And I go back and I ask my colleague, please read the bill. The bill talks about an active part that a chief State election official might take in political management or in a political campaign, which means serving as a member of an authorized committee of a candidate for Federal office, or the use of official authority, official authority to influence for the purpose of interfering with or affecting the result of an election for Federal office.

That is a very different situation than what my colleague is referring to. And he seems to be concerned about the Secretaries of State. I respect them greatly. A lot of them support this bill. Some of them don’t. I am not sure I understand why they don’t, because what we are doing here is talking about not them so much as the voters. It is about the voters. And the most important thing is that voters trust that elections are fair.

And my colleague would suggest that maybe there shouldn’t be any rules; I think we do have some rules, and it is important that we have them. We have them for judges as well.

So I think we need to understand what is in this bill. It is not solving all the problems that have been raised, but it is solving a very important one for voters. And they do need to feel, and we saw it happen in our history, in our pretty recent history, that it is an issue for people. It should be.

Why shouldn’t people be concerned that their State official person who is overseeing, who is supervising elections doesn’t have a bias that is quite clear?

Mr. Speaker, many years ago I was very active with the League of Women Voters. And one of the rules is, if you are a key official, a president overseeing the election process for that organization, for the community, or a president, that you don’t get involved in political activity. That is one of the rules. I thought it was a great rule, and I was very happy to adhere to it.

This gets to be serious business because we have people out in the streets and we know that because they were concerned about this issue. So I think this is important. It is very narrowly drawn, of course, and it should be. And I would certainly hope that my colleagues would really take a serious look at this because we need to ensure that voters trust the election. That is what this is about. And I believe that they have every right, and we have every right to make certain that that judgment is there, and that there is nothing that gets in the way between the voters and the political process.

Remember, these are Federal elections. And article I, section 4 of the Constitution gives Congress the authority to make laws governing the time, the place and the manner of holding Federal elections. This is in our purview. I urge my colleagues to support this measure.

Mr. Speaker, I yield back the balance of my time.
BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to Public Law 111–139, Mr. SPRATTON hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 512, the Federal Election Integrity Act, as amended, for printing in the CONGRESSIONAL RECORD.


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* H.R. 512 would amend the Federal Election Campaign Act of 1971 to prohibit any chief state election administration official from taking part in the political management or campaign for any federal office, except under specified circumstances. Enacting the legislation could affect federal revenues by increasing the collections of fines for violations of the law. Such collections are recorded in the budget as revenues and in certain cases, may be spent without further appropriation. CBO estimates that any additional revenues and direct spending would be insignificant because of the small number of anticipated violations.

Pursuant to Public Law 111–139, Mr. SPRATTON hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 3421, the Medical Debt Relief Act, as amended, for printing in the CONGRESSIONAL RECORD.


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* H.R. 3421 would prohibit credit reporting agencies from listing certain medical debts in consumer credit reports. Enacting the bill could increase the collection of civil penalties and this could affect federal revenues. CBO estimates that those amounts would not be significant.

Pursuant to Public Law 111–139, after consultation with the Chairman of the Senate Budget Committee, and on behalf of both of us, Mr. SPRATTON hereby submits, prior to the vote on passage, the attached estimate of the costs of the House amendment to the Senate amendment to the bill H.R. 3619, the Coast Guard Authorization Act, for printing in the CONGRESSIONAL RECORD.


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* Title VI of H.R. 3619 would authorize the U.S. Coast Guard (USCG) to extend certain expiring marine licenses, certificates of registry, and merchant mariners' documents. Because the extension could delay the collection of fees charged for renewal of such documents, enacting this provision could reduce offsetting receipts over the next year or two. Some of those receipts may be spent without further appropriation; however, to cover collection costs. CBO estimates that the net effect on direct spending from enacting this provision would be insignificant.

Pursuant to Public Law 111–139, Mr. SPRATTON hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 4168, the Algae-based Renewable Fuel Promotion Act, as amended, for printing in the CONGRESSIONAL RECORD.


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* H.R. 4168 would allow certain algae-based renewable fuels to qualify for the cellulosic biofuel tax credit, and would make the production facilities of those fuels eligible for the bonus depreciation allowed to cellulosic fuel facilities. The staff of the Joint Committee on Taxation estimates that the effect of these changes on federal revenues would be insignificant in any year and over the 2010–2020 period.

Pursuant to Public Law 111–139, Mr. SPRATTON hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 4337, the Regulated Investment Company Modernization Act, as amended, for printing in the CONGRESSIONAL RECORD.
EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker’s table and referred as follows:

9664. A letter from the Administrator, Department of Agriculture, transmitting the Department’s final rule — Apricot Grown in Designated Counties in Washington; Increased Assessment Rate [Doc. No.: AMS-FV-10-0050; FV10-062-2 FR] received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9665. A letter from the Administrator, Department of Agriculture, transmitting the Department’s final rule — Perishable Agricultural Commodities Act: Increase in License Fees [Document No.: AMS-FV-08-0008] (RIN: 0581-AC92) received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9666. A letter from the Administrator, Department of Agriculture, transmitting the Department’s final rule — Walnuts Grown in California; Changes to the Quality Regulations for Shelled Walnuts [Doc. No.: AMS-FV-09-0068; FV09-984-4 FR] received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9667. A letter from the Administrator, Department of Agriculture, transmitting the Department’s final rule — National Organic Program; Amendment to the National List of Allowed and Prohibited Substances [Docket Number: AMS-NOP-10-0051; NOP-10-011R] (RIN: 0581-AD04) received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9668. A letter from the Congressional Research Coordinator, Department of Agriculture, transmitting the Department’s final rule — Cold Treatment Regulations [Docket No.: APHIS-2006-0050] received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9669. A letter from the Budget Coordinator, Research, Education & Economics, Department of Agriculture, transmitting the Department’s final rule — United States Department of Agriculture Research Misconduct Regulations for Extramural Research [RIN:0594-AA34] received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9670. A letter from the Administrator, Department of Agriculture, transmitting the Department’s final rule — Milk in the Northeast and Other Marketing Areas; Order Amending the Orders [Doc. No.: AMS-DA-09-0062; AO-14-A73, et al.; DA-09-10] received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9671. A letter from the Deputy Secretary, Department of Defense, transmitting the Department’s annual Developing Countries Combined Exercise Program report of expenditures for Fiscal Year 2009, pursuant to 10 U.S.C. 2435(e)(1); to the Committee on Armed Services.

9672. A letter from the Secretary, Department of the Army, transmitting determination that the Excalibur program has exceeded the program acquisition unit cost baseline, pursuant to 10 U.S.C. 2435(e)(1); to the Committee on Armed Services.

Pursuant to Public Law 111–138, Mr. SPRATZ hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 5360, the Blinded Veterans Adaptive Housing Improvement Act of 2010, as amended, for printing in the CONGRESSIONAL RECORD.

Pursuant to Public Law 111–138, Mr. SPRATZ hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 6026, the Access to Congressionally Mandated Reports Act, as amended, for printing in the CONGRESSIONAL RECORD.

Pursuant to Public Law 111–138, Mr. SPRATZ hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 6132, the Veterans Benefits and Economic Welfare Improvement Act of 2010, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 6026, THE ACCESS TO CONGRESSIONALLY MANDATED REPORTS ACT, AS PROVIDED TO CBO ON SEPTEMBER 28, 2010


9673. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement: Acquisition Strategy to Ensure Competition throughout the Lifecycle of Major Defense Acquisition Programs (DFARS Case 2009-D014) was received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Armed Services.

9674. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement: Transportation and Packaging (DFARS Case 2010-D013) was received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Armed Services.

9675. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement Lieutenant General Keith W. Dayton, United States Army, and his advancement to the grade of Lieutenant general on the retired list; to the Committee on Armed Services.

9676. A letter from the Acting Secretary, Department of Defense, transmitting interim report on the submission of a plan for actions to eliminate the need for members of the Armed Forces to rely on the supplemental nutrition assistance program; to the Committee on Armed Services.


9678. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

9679. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

9680. A letter from the Chair and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Brazil pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

9681. A letter from the Chair and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

9682. A letter from the Chair and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

9683. A letter from the Chair and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

9684. A letter from the Chair and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

9685. A letter from the Chair and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.
to the Committee of the Whole House on the State of the Union.

Mr. FILNER: Committee on Veterans' affairs. H.R. 6132. A bill to amend title 38, United States Code, to establish a disability authority under the Troubled Asset Relief Program for new veterans, to improve the disability claim system, and for other purposes; with an amendment (Rept. 111-638). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 2988. A bill to expand the research activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases and the Centers for Disease Control and Prevention with respect to scleroderma, and for other purposes; with an amendment (Rept. 111-631). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 3554. A bill to establish an Advisory Committee on Gestational Diabetes, to provide grants to better understand and reduce gestational diabetes, and for other purposes; with amendments (Rept. 111-633). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 2989. A bill to amend the Public Health Service Act to enhance and increase the number of veterinarians trained in veterinary public health; with an amendment (Rept. 111-634). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 1347. A bill to amend title III of the Public Health Service Act to provide for the establishment and implementation of concussion management guidelines with respect to school-aged children, and for other purposes; with amendments (Rept. 111-632). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 1362. A bill to amend the Public Health Service Act to provide for the establishment of permanent national surveillance systems for multiple sclerosis, Parkinson's disease, and other neurological diseases; with an amendment (Rept. 111-636). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 1290. A bill to amend the Public Health Service Act to provide for the establishment of a National Acquired Bone Marrow Failure Disease Registry, to authorize research on bone marrow and blood diseases, and for other purposes; with amendments (Rept. 111-637). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 1210. A bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes; with an amendment (Rept. 111-636). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 1032. A bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women; with amendments (Rept. 111-638). Referred to the Committee of the Whole House on the State of the Union.

Mr. McNERNEY, Ms. GIFFORDS, and Mr. SIKES: H.R. 6218. A bill to prevent foreclosure of home mortgages and provide for the affordable housing and credit counseling of distressed homeowners; to amend the Housing and Economic Opportunity Act of 1994 to improve the ability of those facing mortgage default to refinance their mortgages; to amend the Mortgage Finance Improvement Act of 1991 to promote responsible home mortgage lending; and for other purposes; to the Committee on Financial Services.

By Mr. FRANK of Massachusetts: H.R. 6219. A bill to amend the Small Business Jobs Act of 2010 to enhance the provisions of the Small Business Lending Fund Program, to amend the Small Business Investment Act of 1958 to create a Small Business Early-Stage Investment Program, and to create the Small Business Borrower Assistance Program; to the Committee on Financial Services.

By Ms. PINGREE of Maine: H.R. 6220. A bill to amend title 38, United States Code, to ensure that the Secretary of Veterans Affairs provides veterans with information concerning service-connected disabilities at health care facilities; to the Committee on Veterans' Affairs.

By Mr. YOUNG of Alaska: H.R. 6221. A bill to authorize the Secretary of the Interior to issue permits for a microhydro project in nonwilderness areas within the boundaries of Denali National Park and Preserve, to acquire land for Denali National Park and Preserve from the State of Alaska; to the Committee on Natural Resources.

By Mr. McGOVERN: H.R. 6222. A bill to establish the National Competency for Community Renewal to encourage communities to adopt innovative strategies and design principles to programs related to poverty prevention, recovery and responsiveness; to the Committee on Ways and Means, and in addition to the Committees on Education and Labor, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska: H.R. 6223. A bill to establish a Congressional Office of Regulatory Analysis, to require the periodic review and automatic termination of Federal regulations, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CAPPS (for herself and Mr. PALLONE): H.R. 6224. A bill to modernize cancer research, increase access to preventative cancer care services, provide cancer treatment and survivorship initiatives, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAULSEN: H.R. 6225. A bill to amend the Emergency Economic Stabilization Act of 2008 to terminate authority under the Troubled Asset Relief Program; to the Committee on Financial Services.

By Mr. FOSTER: H.R. 6226. A bill to amend the Small Business Act to permit agencies to count certain contracts toward contracting goals; to the Committee on Small Business.

By Mr. BLAIRAKIS (for himself and Mr. MILLER of Florida): H.R. 6227. A bill to establish a temporary prohibition on termination of coverage under the TRICARE program for age of dependents

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CARDOZA (for himself, Mr. LAHANIS of Connecticut, Mr. DELAURIO, Mr. GEORGE MILLER of California, Ms. ESROO, Mr. KAGEN, Mr. GARAMENDI, Mr. WELCH, Ms. CARSON of N.Y., Mr. BILLY LONG of Missouri, Mr. BACA, Mr. HASTINGS of Florida, Mr. COSTA, Ms. WASSERMAN SCHULTZ, Mr. MCINERNEY, Ms. GIFFORDS, and Mr. SIKES):
under the age of 26 years; to the Committee on Armed Services.

By Mr. BURGESS:
H.R. 6228. A bill to repeal certain amendments to the Clean Air Act relating to the expansion of the renewable fuel program, and for other purposes; to the Committee on Energy and Commerce.

By Ms. HUNTLEY (for herself, Mr. LOEBSACK, and Ms. SHEA-POTERTH):
H.R. 6233. A bill to strengthen student achievement rates and prepare young people for college, careers, and citizenship through innovative partnerships that meet the comprehensive needs of children and young people; to the Committee on Education and Labor, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DRIEHUS:
H.R. 6236. A bill to amend title 37, United States Code, to exclude bonus payments made by a State or political subdivision thereof to a member of the Armed Forces, including an active duty component member, on account of the service of the member in the Armed Forces from consideration in determination of the eligibility of the member (or the member’s spouse or family) for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds; to the Committee on Armed Services.

By Ms. GIFFORDS (for herself and Mr. MANZULLO):
H.R. 6237. A bill to amend the Export Enhancement Act of 1988 to further enhance the promotion of exports of United States goods and services, and for other purposes; to the Committee on Foreign Affairs.

By Mr. HASTINGS of Florida (for himself, Mr. RANGEI, Mr. JACKSON of Illinois, Ms. NORTON, Ms. FUDGE, Ms. CORBINE Brown of Florida, and Ms. CLARKE):
H.R. 6232. A bill to establish a scholarship program in the Department of State for Haitian students whose studies were interrupted as a result of the January 12, 2010, earthquake, and for other purposes; to the Committee on Foreign Affairs.

By Ms. HERSHEY SANDLIN (for herself, Mr. KILDREE, Mr. COLK, and Mr. YOUNG of Alaska):
H.R. 6245. A bill to establish a Native American entrepreneurial development program in the Small Business Administration; to the Committee on Small Business.

By Ms. HERSHEY SANDLIN (for herself and Mr. HINCHLEY):
H.R. 6234. A bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction of 10 percent of long-term care insurance premiums, a credit for individuals who care for those with long-term care needs, and for other purposes; to the Committee on Ways and Means.

By Mr. McMAHON (for himself, Mr. HOYER, Mr. CUMMINGS, Mr. HALL of New York, Mr. GILL, Mr. J. B. MURPHY of Pennsylvania, Mrs. MALONEY, Ms. BORDALLO, Mrs. CHRISTENSEN, Mr. PALOMAVARO, and Mr. PIERLUSI):
H.R. 6235. A bill to encourage, enhance, and integrate Blue Alert plans throughout the United States in order to disseminate information when a law enforcement officer is seriously injured or killed in the line of duty; to the Committee on the Judiciary.

By Mr. SCHIFF:
H.R. 6230. A bill to require Federal agencies, when providing or receiving health care, in possession of data containing sensitive personally identifiable information, to disclose any breach of such information; to the Committee on Energy and Commerce, and in addition to the Committees on Oversight and Government Reform, Financial Services, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of California (for himself, Mr. BACA, Mr. BECERRA, Mr. BERNALDÍEZ, Mr. BOOZE, Mr. BOWMAN, Mr. CALVET, Mr. CAMPBELL, Mrs. CAPPS, Mr. CARDOZA, Ms. CHU, Mr. COSTA, Mrs. DAVIS of California, Mr. DIXON, Mr. ESKO, Mr. FARR, Mr. FILER, Mr. GALLEGOS, Mr. GARAMENTI, Ms. HARMAN, Mr. HERGER, Mr. HONDA, Mr. HUNTER, Mr. ISAAC, Mr. JONES of California, Mr. LEWIS of California, Ms. LOPEZ VARGAS of California, Mr. D. LUGG of California, Mr. McKEON, Ms. MCKINNLEY, Mr. GARY G. MILLER of California, Mr. MILLER of California, Mrs. Napolitano, Mr. RICHARDSON, Mr. ROHRABACHER, Mr. ROYBAL-ALLARD, Mr. ROYCE, Mr. LENDA of California, Ms. LORETTA Sanchez of California, Mr. SCHIFF, Mr. SHERMAN, Ms. SPIER, Mr. STARK, Ms. WATERS, Mr. WU, Mr. WOLSEY, Mr. NUNES, and Ms. PELOSI):
H.R. 6237. A bill to designate the facility of the United States Postal Service located at 561 2nd Street in Napa, California, as the "Tom Kongsgaard Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. TONKO:
H.R. 6228. A bill to direct the Secretary of Veterans Affairs to establish a registry of custodial veterans stationed at Fort McClellan, Alabama, and for other purposes; to the Committee on Veterans Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTON of Texas:
H.Con. Res. 328. Concurrent resolution recognizing the achievements of the White House Fellows program; to the Committee on Oversight and Government Reform.

By Mr. RAY: (for himself, Mr. OLSON, Mrs. M. ROGERS, and Mr. BAIRD):
H. Res. 1665. A resolution expressing support for the goals and ideals of the inaugural USA Science & Engineering Festival in Washington, D.C., and for other purposes; to the Committee on Science and Technology, for consideration and agreed to. considered and agreed to.

By Mr. PITTS (for himself, Mr. SALAZAR, Mr. TONKO, Mr. GOODLATTE, Mr. BOUDREAU, Mr. ROSE-LEHTINEN, Mr. LARSEN of Washington, Mr. JORDAN of Ohio, Mr. WOLF, Mr. WHITFIELD, Ms. GIFFORDS, Mr. WILSON of South Carolina, Mr. THOMPSON of Pennsylvania, Mr. POSEY, Mr. WALDEN, Mr. LEWIS of California, Ms. MYRICK, Mr. DUNCAN, Mr. PITTS, Mr. BILIRAKIS, Mr. LAMBOEN, Mr. DICKS, Mr. INGELS, Mr. SHUSTER, Mr. BARTLETT, Mr. MURPHY of Pennsylvania, Mr. GERAGHTY of South Dakota, Mr. GARAMENTI, Mr. MANZULLO, Mr. McCaul, Mr. ROYCE, Mr. MACK, Mr. POE of Texas, Mr. BOOZMAN, and Mr. ANGELIAI):
H. Res. 1661. A resolution honoring the lives of the brave and selfless humanitarian aid workers, doctors, and nurses who died in the tragic attack of August 5, 2010, in northern Afghanistan; to the Committee on Foreign Affairs, considered and agreed to. considered and agreed to.

By Mr. MACK (for himself, Mr. ENGEL, Mr. BURTON of Indiana, Mr. BIJLAKIS, Mr. PAYNE, Mr. JACOBSON of Texas, Mr. PALOMAVARO, Mr. BERMAN, Ms. ROS-LEHTINEN, and Mr. SMITH of New Jersey):
H. Res. 1663. A resolution supporting the goals and ideals of Sickle Cell Disease Awareness Month; to the Committee on Education and Labor, considered and agreed to. considered and agreed to.

By Mr. SMITH of New Jersey (for himself, Mr. STRICKLAND of Indiana, and Mr. GRIJALVA):
H. Res. 1664. A resolution supporting the goals and ideals of Spina Bifida Awareness Month, recognizing the importance of increasing access to health care for individuals with disabilities, including those with Spina Bifida, and raising awareness of the need for states to allow family rooms to be accessible for individuals with disabilities; to the Committee on Energy and Commerce.

By Mr. OBERSTAR:
H. Res. 1665. A resolution providing for the concurrence by the House in the Senate amendment to H.R. 3619, with amendments; considered and agreed to. considered and agreed to.

By Mr. BOSWELL (for himself, Mr. LOEBSACK, Mr. GRAVES of Missouri, and Mr. TERRY):
H. Res. 1666. A resolution expressing support for designation of October 2010 as "Crime Prevention Month"; to the Committee on the Judiciary.

By Mrs. CAPPs (for herself, Mr. TAUBERG, and Mr. TOWNS):
H. Res. 1667. A resolution congratulating the National Institute of Nursing Research on the occasion of its 25th anniversary; to the Committee on Energy and Commerce.

By Mr. CORDOVA BUTLINGTON:
H. Res. 1668. A resolution recognizing the 100th anniversary of the formation of the Almond Growers Exchange, a cooperative to market almonds produced by members of the cooperative; to the Committee on Agriculture.

By Mr. DUNCAN:
H. Res. 1669. A resolution congratulating the National Air Transportation Association for celebrating its 70th anniversary; to the Committee on Transportation and Infrastructure.

By Ms. GIFFORDS (for herself, Mr. TONKO, Mr. CHILDERS, Mr. DEFAZIO, Mr. STRICKLAND, Ms. WATSON, Mr. CROWLEY, Mr. COURTNEY, Mr. HARE, Ms. SHEA-PORTER, Mr. FILER, Mr. HINCHLEY, Mr. CONYERS, Mr. RAHALL, Mr. FUDGE, Mr. FARR, Mr. RANGEL, Mr. CRITZ, Mr. DUTCH, Mr. BOREN, Mr. CARSON of Indiana, Mr. KILDREE, Mr. HENRICH, Mr. MAPPER, Mrs. HAMILTON, Mrs. PEARSON of Maine, Mr. ARCCUI, Mr. KILROY, Mr. WILSON of Ohio, Mr. COSTELLO, Mr. KISSELL, Mr. SCHRAUD, Ms. DELAURO, Mr. LANGKEVIN, Mr./story of Mr. National of New York, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. Peters, Mr. agents of airline companies, and individuals in interstate commerce, in possession of data containing sensitive personally identifiable information, to
OLVER, Mr. Foster, Mr. Frank of Massachusetts, Mr. Lewis of Georgia, Mr. Oberstar, Mr. Wu, Mr. Stark, Ms. Kaptur, Mr. Rothman of New Jersey, Mr. Cunningham of California, Ms. Corrine Brown of Florida, Mr. Brady of Pennsylvania, Mr. Boucher of Vermont, Mr. Enyart of Illinois, Mr. Monserrate of California, Ms. Sutton, and Mr. Cummings:

H. Res. 1670. A resolution expressing the sense of the House of Representatives with respect to legislation relating to raising the retirement age under title II of the Social Security Act; to the Committee on Ways and Means.

By Mr. McDermott (for himself, Mr. Dickens, Mr. Inslee, Mr. Baird, and Mr. Larsen of Washington):

H. Res. 1671. A resolution congratulating the Seattle Storm for their remarkable season and winning the 2010 Women's National Basketball Association Championship; to the Committee on Oversight and Government Reform.

By Mr. Michaud (for himself, Mr. Alexander, Mr. Bartlett, Mr. Bilirakis of Florida, Mr. Cannon of Virginia, Mr. CRitz, Mr. Delahunt, Mr. Filner, Ms. Giffords, Mr. G. Green of Texas, Mr. Hines of Georgia, Mr. Kingston, Mr. Kissell, Mr. Kratovil, Mr. Lipinski, Mr. Meeks of New York, Mr. Mitchell, Mr. Murtha of New York, Mr. Nye, Ms. Pingree of Maine, Mr. Poe of Texas, Mr. Rodgers of Alabama, Mr. Ross, Mr. Ryan of Ohio, Mr. Sablan, Mr. Scott of New York, Mr. Sherraden, Mr. Sires, Mr. Spratt, Ms. Sutton, Mr. Tanner, Mr. Taylor, Mr. Traceur, Mr. Thornberry, Mr. Wilson of Colorado, Mr. Wittman, Mr. Young of Ohio, and Mr. Young of Pennsylvania):

H. Res. 1672. A resolution commemorating the Persian Gulf War and reaffirming the commitment of the United States towards Persian Gulf War veterans; to the Committee on Foreign Affairs, and in addition to the Committees on Armed Services, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as may fall within the jurisdiction of the committee concerned.

By Mr. Paul:

H. Res. 1673. A resolution recognizing 75 Texas World War II veterans visiting Washington, D.C., on September 27, 2010, to visit sites that were built in their honor; to the Committee on Veterans' Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

H. Res. 1847: Mr. Pascrell.
H. Res. 197: Mr. Dingell.
H. Res. 305: Mr. Platts and Ms. Giffords.
H. Res. 333: Mr. Ackerman.
H. Res. 393: Mr. Roemer.
H. Res. 503: Mr. Filner.
H. Res. 523: Mr. Smith of Nebraska.
H. Res. 571: Mr. Sestak.
H. Res. 615: Mr. Delahunt.
H. Res. 678: Mr. King of New York and Mr. McNerney.
H. Res. 704: Mr. Israel.
H. Res. 707: Mr. Calvert.
H. Res. 758: Mr. Rechcigl.
H. Res. 868: Ms. Baldwin and Mr. Wu.
H. Res. 903: Mr. Lee of New York.
H. Res. 922: Mr. Price of North Carolina.
H. Res. 1024: Mr. Moore of Kansas.
H. Res. 1034: Mr. Carnahan.
H. Res. 1079: Ms. Baldwin and Mr. Bonner.
H. Res. 1179: Ms. Hinojosa.
H. Res. 1336: Mr. Miller of North Carolina and Ms. Matsui.
H. Res. 1347: Ms. Eshoo and Mr. Baca.
H. Res. 1414: Mr. Baca.
H. Res. 1443: Mr. Schrader.
H. Res. 1551: Mr. Michaud.
H. Res. 1616: Mr. Lujan, Mr. Andrews, Mr. Davis of Illinois, Mr. Garamendi, and Ms. Linda T. Sanchez of California.
H. Res. 1625: Mr. Norton, Ms. Sutton, and Mr. Doyle.
H. Res. 1670: Mrs. Lowey.
H. Res. 1718: Mr. Calvert.
H. Res. 1731: Ms. Speier and Mr. Perlmutter.
H. Res. 1792: Mr. Moore.
H. Res. 1806: Ms. Fudgon and Mr. Honda.
H. Res. 1831: Mr. Manzullo.
H. Res. 1927: Mr. Garamendi.
H. Res. 1968: Mr. Baca.
H. Res. 2030: Mr. Petit and Mr. Lipinski.
H. Res. 2049: Mr. Crizt.
H. Res. 2194: Mr. Honda and Mr. Garamendi.
H. Res. 2159: Mr. Doyle.
H. Res. 2378: Mr. Al Green of Texas, Mr. Hall of New York, Mr. Cleaver, and Ms. Matsui.
H. Res. 2381: Mr. Crist and Mr. Deutch.
H. Res. 2414: Mr. Conyers.
H. Res. 2453: Mr. Costa.
H. Res. 2576: Ms. Sutton and Ms. Wasserman Schultz.
H. Res. 2624: Mr. Price of North Carolina.
H. Res. 2625: Ms. Edwards of Maryland, Mr. Berman, Mr. Palazzo of New York, Mr. Lujan, Ms. Richardson, Ms. Schwartz, Mr. Markey of Massachusetts, Ms. Clarke, and Mr. Cummings.

H. Res. 2672: Mr. Johnson of Georgia.
H. Res. 2673: Mr. Sablan.
H. Res. 2692: Mr. Pingree of Maine.
H. Res. 2698: Mr. Sablan and Mr. Visclosky.
H. Res. 2699: Mr. Sablan and Mr. Honda.
H. Res. 2746: Mr. Milolanco.
H. Res. 2796: Mr. Delahunt and Mr. Thompson of California.
H. Res. 2846: Mr. Sutton, Mr. Deutch, and Mr. Baca.
H. Res. 3012: Mr. McMahon.
H. Res. 3118: Mr. Sherman.
H. Res. 3148: Mr. Doyle.
H. Res. 3212: Mr. Price of North Carolina.
H. Res. 3567: Mr. Garamendi, Mr. Grayson, Ms. Richardson, and Mr. Davis of Illinois.
H. Res. 3586: Mr. Boswell and Mr. Akin.
H. Res. 3562: Mr. Clay, Mr. Roskam, Mr. Ryan of Wisconsin, and Mr. Harper.
H. Res. 3666: Mr. Tonko, Mr. Carney, Mr. Tim Murphy of Pennsylvania, Ms. Delauro, Mr. Moore of Kansas, and Mr. Patrick J. Murphy of Pennsylvania.
H. Res. 3724: Mr. Davis and Mr. Akin.
H. Res. 3755: Mr. Gutierrez.
H. Res. 3781: Mr. Lamborn.
H. Res. 3858: Mr. Butterfield.
H. Res. 4121: Mr. Kirkland of Minnesota, Mr. Courtney, Mr. Edwards of Texas, Mrs. Lowey, Mr. Brady of Pennsylvania, Mr. Conyers, Mr. Schiff, Mr. Boccieri, Mr. Patrick J. Murphy of Pennsylvania, and Mr. Wilson of Ohio.
H. Res. 4210: Mr. Welch.
H. Res. 4436: Mr. Shimkus, Mr. McKinley, and Mr. Kirk.
H. Res. 4594: Mr. Castle, Mr. Courtney, Mr. Boswell, Mr. Cardoza, and Mr. Israel.
H. Res. 4645: Mr. Davis of Illinois, Mr. Payne, Mr. Michaud, and Mr. Carnahan.
H. Res. 4667: Mr. Tonko.
H. Res. 4677: Ms. Norton and Mr. Jackson of Illinois.
H. Res. 4690: Mr. Price of North Carolina, Mr. Maffei, and Ms. Schakowsky.
H. Res. 4787: Mr. Tragac and Mr. Turner.
H. Res. 4796: Mr. Kinzinger, Ms. Matsui, Mr. Visclosky.
H. Res. 4808: Mr. Sherman and Mr. Cummings.
H. Res. 4830: Ms. Slaughter.
H. Res. 4844: Mr. McNern and Mr. Nadler of New York.
H. Res. 4909: Ms. Chu, Mr. Clay, Mr. Van Hollen, and Mr. Farr.
H. Res. 5010: Mr. Holt.
H. Res. 5026: Mr. Clay and Mr. Filner.
H. Res. 5034: Ms. Fallin and Mr. Smith of New Jersey.
WASHINGTON, TUESDAY, SEPTEMBER 28, 2010

Vol. 156

No. 132

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Immortal, Invisible God Only Wise, the kingdom, the power, and the glory belong to You. Make us to lie down in green pastures and lead us beside still waters.

Lord, forgive us for peaceful talk and belligerent attitudes. In their quest for the best for all people, sensitize our lawmakers’ consciences to hear Your voice, obey Your precepts, and to embrace justice, righteousness, and peace. Deliver them from that pride that refuses to acknowledge Your rule among the nations. Let integrity be the hallmark of their character. Help them to see that real security is found only in You.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The legislative clerk read the following letter:

U.S. SENATE,
President pro tempore,

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

MRS. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Following any leader remarks, there will be a period of morning business until 11:10 a.m. today, with Senators permitted to speak for up to 10 minutes each, during which Senators may make tributes to the late Senator Ted Stevens.

At 11:10 a.m., there will be 20 minutes for debate prior to a rollover vote on the motion to invoke cloture on the motion to proceed to S. 3816, the Creating American Jobs and Ending Offshoring Act, with the time equally divided and controlled between the two leaders or their designees. At 11:30 a.m., the Senate will proceed to a rollover vote on the motion to invoke cloture on the motion to proceed to the offshoring bill. If cloture is not invoked, there would be a second vote on the motion to invoke cloture on the motion to proceed to H.R. 3081, the legislative vehicle for the continuing resolution.

As a reminder, former Senator Ted Stevens will be laid to rest at Arlington National Cemetery at 1 p.m. today. Buses will depart the Senate steps at 12:15 p.m. today.

HONORING ARLEN SPECTER

Mr. REID. Madam President, as I came into the Chamber, I saw my friend ARLEN SPECTER standing behind me. There will be other times I will say more about ARLEN SPECTER, but I think it is appropriate to say a few words today about ARLEN SPECTER.

After the beginning of the year, he will no longer be with us as a Senator. I have followed very closely his career. I have read his book—he has written a number, but I read the book about his life—and it was fascinating, about his prosecutorial skills in Pennsylvania.

We all know of his academic approach to the law in the Senate. When he comes to the floor, he is someone who speaks after having given serious, long thought to what he was going to talk about, as I assure he will today. I have spoken in recent days with him at great length about something he strongly believes in; that is, making the Supreme Court something the American people can identify with by having cameras in and watching the arguments before the Supreme Court, not having to read a stale transcript but listen to the give-and-take of the lawyers and the Court.

As I said, I will have a lot more to say about ARLEN SPECTER at some time in the future, but I have appreciated his astute awareness of the law and his being so good to me. It doesn’t matter whether he is a Democrat or a Republican, he is a Senator who I think is exemplary.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

A POLITICAL EXERCISE

Mr. MCCONNELL. Madam President, the American people have been speaking out for a year and a half. They have wanted Democrats in Washington to focus on the economy and on jobs. What they got instead was a budget

This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
that explodes the national debt, a $1 trillion stimulus that failed to hold unemployment down to the levels we were told it would, a health spending bill that is already leading to higher costs, and a raft of other bills that expand Washington’s role in people’s lives.

With just 3 days left in the Democrat’s 2-year experiment in expanded government, they want to make a good last impression with a bill they know has no chance of passing and with which they have no interest in passing. So this is about as pure a political exercise as you can get. In my view, it is an insult to the millions of Americans who want us to focus on jobs.

Democrats made a very clear choice. They chose to ignore the concerns of the American people and to press ahead with their own agenda over the past year and a half. In the last 3 days of the session, they have decided they can at least pretend to be concerned. This is nothing short of patronizing. But in some ways it is the perfect way to end a session in which the American people have taken a backseat to the Democrats’ big government agenda.

As for the specifics of this bill, even if this were serious exercise, it is a bad idea. Even the Democratic chairman of the Finance Committee said this bill could hurt American competitiveness. As a number of my colleagues pointed out yesterday, the way to get U.S. businesses to produce more here isn’t to tax them even further, it is to stop punishing them with our high corporate tax rate. If American businesses are going to compete with foreign corporations, we should have competitive tax rates. It is that simple.

Moreover, the companies this bill targets, by and large, are not opening overseas subsidiaries to make products for Americans. They are moving overseas to serve foreign markets in addition to the markets they already have in place. Ted creates jobs right here in the United States. When these additional markets overseas are opened, it creates jobs right here in the United States.

This bill is not a serious attempt to address a problem. It is a purely political exercise aimed at making a good impression. Unfortunately for Democrats, the impression they have made over the past year and a half has stuck—and for good reason.

REMEMBERING SENATOR TED STEVENS

Mr. McCONNELL. Madam President, at 1 o’clock this afternoon, our dear friend, Ted Stevens, will be laid to rest, across the river at Arlington National Cemetery. So the Senate will be thinking of Ted Stevens today.

Ted was a legend in his own lifetime and the American people would have remembered him if he had not gone on to serve as the longest serving Republican in Senate history. A recipient of the Air Medal and the Distinguished Flying Cross for his service in the Army Air Corps during World War II, Ted was, during his earliest days, an adventurer, a fighter, and a patriot. He lived an incredibly full life, most of it in service to his Nation and more specifically to his State.

His colleagues in the Senate admired and even sometimes feared him, but Alaskans loved him without any qualification. To them he was just “Uncle Ted,” a title I assume will live on. I have been to Alaska a number of times over the years at Ted’s invitation and one of the things that becomes clear to anyone who goes up there, as I said at Ted’s funeral last month, is that Alaska ironically is a pretty small place—in the sense that everybody seems to know each other, and everybody knew Ted Stevens. From the airport in Anchorage to the remotest villages, Ted is omnipresent up there. That is saying something in a State that is bigger than California, Texas, and Montana combined.

The reason is simple; Ted’s view, if it wasn’t good for Alaska, it wasn’t good. He devoted his adult life to one simple mission, to work tirelessly and unapologetically to transform Alaska into a modern State. He was faithful to that mission to the very end. It is hard to imagine that any one man ever meant more to any one State than Ted Stevens.

One of the stories I like about Ted is the one about his former chief of staff and his first trip to Alaska with Ted. When he showed up at Ted’s house to pick him up at 6 o’clock in the morning, Ted had already gone through the briefing book he had been given the night before, read all the daily papers, and had already been on the phone to Washington for a couple hours. By the end of the trip, he said he needed a vacation after doing, for 2 weeks, what Ted had been doing for 38 years.

But Ted was why he worked so hard because there was always so much work to do. Part of that, of course, was making sure that all of us knew about what Alaska and Alaskans needed. So everybody got invited up there—and that was a mistake he liked you but because he wanted us to appreciate the unique challenges Alaskans faced day in and day out, and turning down an invitation from Ted Stevens was not recommended.

Ted poured himself into Alaska and he poured himself into the Senate. He mentored countless young men and women who worked for him over the years. He mentored countless new Members from both parties.

It was an honor to have known him, and it was a privilege to have served alongside him in the Senate for so long.

We have missed him the past 2 years, and we honor him again today.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be now a period for the transaction of morning business until 11:10 a.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Pennsylvania.

SENATOR TED STEVENS

Mr. SPECTER. Madam President, I have sought recognition to join in paying tribute to Senator Ted Stevens, who was in this Chamber from 1967 until early 2009, and his presence is still felt, so pervasive was his impact on this body.

My first contact with Senator Stevens was shortly after my election, when I was in the process of selecting my committee assignments. I had said during the campaign that I would seek the Agriculture Committee, but when the first round came up and there was a spot left on Appropriations, I decided that was the best committee to select for the interests of my State.

I did not get the Ag Committee, Appropriations has always been my committee, Ag Appropriations, and it was filled. But Ted Stevens generously opened the spot, taking another subcommittee assignment so I could maintain, in part, my statement that I would seek influence on the agricultural issues, and I did.

Ted Stevens had a reputation for being tough and demanding. He had a famous Hulk tie which I proudly have in my closet and wear on occasions when it is appropriate. But behind that tough exterior, there was a heart of gold and a very emotional man. He said that he did not lose his temper, he would “use” his temper, that he did not lose his temper, he always knew where it was.

I recall one session of the Senate in the middle of the night. During Howard Baker Jr.’s term as majority leader, he would sometimes have all-night sessions. It is amazing how much you can get done and how short the debate is at 3 a.m. An issue had arisen as to residency. I believe it was Bill Proxmire who had made some statements about living in Washington, D.C. That infuriated Ted Stevens, and he rose, and in a loud, bombastic, explosive voice, he said he did not live in Washington, he lived in Alaska, and he has affection for Alaska, he could not consider living in Washington. This was part-time duty to handle a specific job.

In 1984 after the elections, Senator Baker retired, and the Senate leadership was up. At that time, we had the most hotly contested battle for leadership during my tenure here and perhaps of all time. There were five top-notch candidates: Senator Stevens, Senator Dole, Senator McClure, Senator Domenici, and Senator Lugar. It was the one spot left on Appropriations, and Ted Stevens, and Bob Dole won, 28 to 25. When the vote was taken, I happened to be sitting with Senator Dole.
We had lived in the same town—Russell, KS—and had been friends for decades. When Ted Stevens came over to congratulat...
this legislation, George W. Bush will turn into a modern day Herbert Hoo-

 Republicans responded with 34 voting aye and 15 opposed. TARP passed the Senate 75 to 24. The House followed suit, and signed into law. It wasn’t a pretty legislative process. It started out with a few pages, mushroomed into a gigantic bill, without appropriate hearings, analysis, debate or deliberation. Fast action was mandatory if we were to stop the market slide and the economy from crashing. The implications were worldwide.

 The situation continued to deteriorate. President Obama immediately went to work on a stimulus bill. He came to the Republican Caucus on January 27, and made a very strong appeal on the urgency of immediate action to save the U.S. economy from a 1929-type depression with a domino effect on the world economy. He said it was imperative that the bill be passed by February 13, the date on which Congress began a weeklong recess for the Washington/Lincoln birthdays.

 A large group of Senators held a series of meetings attended by about 15 rotating Democrats with 6 Republicans initially in attendance: Olympia Snowe, Susan Collins, George Voinovich, Lisa Murkowski, Mel Martinez, and me. The final meetings were held on February 6 in HARRY REID’s office, attended by Susan Collins, Ben Nelson, Rahm Emanuel, Reid, and me. Collins and I insisted on having a final bill under $800 billion. The Obama figure had started out at $600 billion and ballooned to more than a trillion dollars. She and I thought it would be tough for the public to swallow a stimulus act so we insisted on holding the figure under $800 billion. When she and I couldn’t agree with the Democrats, we took a break and went to my hideaway office to confer. We formulated our last best proposal, which was accepted.

 The stimulus package, like TARP, was put together too fast without appropriate hearings, analysis, debate, and deliberation. Had the Republican leadership participated, there would have been critical staff assistance on formulating what the money should have been spent for to stimulate the economy immediately and create jobs, but the Republican leadership refused to participate. The Republican game plan was only in effect to ‘break’ Obama and cause his ‘Waterloo.’

 There were many Republicans in the caucus who would have liked to have voted for the stimulus. The U.S. and world economies were closer to the precipice of depression than when 34 Senators had voted for TARP. But the pressure to vote the party line was tremendous—the strongest I had seen in my 29-year tenure. The risk of retribu-

control of the Senate in 2007 and 2008. When the Club for Growth defeated moderates in the primaries, Pete Domenici’s seat was lost in 2008, as were the House seats of Joe Schwarz in Michigan in 2006 and Wayne Gilchrist in Maryland in 2006. It is understandable that moderates are responding to caucus pressure, seeing what is happening to colleagues who are seen as ideologically impure and insufficiently conservative. Bob Bennett had a 93 percent conservative voting record, yet two objectives were raised against him: he sponsored health care reform legislation which was cosponsored by many other Republicans, and he voted for TARP. As noted, TARP was President Bush’s legislation, enthusiastically advocated by Vice President Cheney. It was a significant success, stabilizing the banking industry and enabling GM and Chrysler to stay in business. Most of the government funds have been repaid.

 South Carolina Congressman Bob Inglis, who was defeated this year by a conservative primary challenger, said today’s political climate would make it “a tough time for Ronald Reagan and Jack Kemp.” Florida Governor Charlie Crist was driven out of the Republican Party to an independent candidacy because his state accepted stimulus money. He was pictured embracing President Obama and he was thought to be too liberal. Considering what has happened to Bennett, Murkowski, Castle, and Crist, is it no wonder that Republican Senate moderates and some conservatives are hewing the party line as they watch right wingers plan for their primary defeats years away.

 Republican Senators who previously actively supported campaign finance reform were unwilling to cast a single vote with 59 Democrats to proceed to consider legislation requiring the disclosure of corporate contributions permitted by the Supreme Court decision in Citizens’ United. Notwithstanding the broad latitude in campaign contributions under the first amendment, the Supreme Court rulings leave Congress the authority to require disclosure. It is hard to understand how any objective view would oppose disclosure when secret contributions pose such a threat to our democracy.

 The ACTING PRESIDENT pro tempore. The Senator has now used his additional 15 minutes of time.

 Mr. SPECTER. Madam President, I ask unanimous consent for 2 additional minutes.

 The ACTING PRESIDENT pro tempore. The Senator from Texas.

 Mrs. HUTCHISON. Madam President, I have been waiting now to speak on Ted Stevens, which was, I thought, the time allotted here. I am happy to give the Senator another 2 minutes on top of the extra 15 if you say, but we have several Members wishing to speak on Senator Stevens. If he would hold it to another 2 minutes.
Mr. SPECTER. Well, I asked for the time when no one was here. I do ask for the additional 2 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

There was none, and Senator SPECTER is recognized for 5 minutes.

Mr. BENNETT. Madam President, serving the right to object, and I shall not, I ask unanimous consent that following Senator SPECTER, I be recognized for 5 minutes. Senator HUTCHISON be recognized for 5 minutes. Senator COLLINS for 10 minutes, Senator ALEXANDER for 5 minutes, and Senator ISAKSON for 5 minutes, thus locking in the time we understood we were going to get.

The ACTING PRESIDENT pro tempore. Without objection, both requests are granted.

Mr. SPECTER. To continue the chain of thought, like the issue on campaign contributions, the DOD authorization bill was stymied on the excuse of "procedural" considerations involving "don't ask, don't tell," when many Republicans had voted to repeal it on prior occasions.

This country is still governed by "we the people," but the only people who count are the ones who vote. If mainstream Republicans had been as active tea party Republicans in the Utah, Alaska, and Delaware primaries, I believe BENNETT, MURKOWSKI, and CASTLE would have won. That would have given heart to other Republican Senators that their records would be judged by a sufficiently large base to give them a fighting chance to survive.

Politics is routinely described as the art of the possible or the art of compromise. The viability of the two-party system is predicated on advocacy of differing approaches to governance which ultimately seeks middle ground or compromise. That is virtually always indispensable to reach a supermajority of 60. When one party insists on ideologically driven, uncompromisingly obstructive compromising is thwarted and the two-party system fails to function.

People with grievances are the most anxious to shake up the system. The Congressteam with issues as the deficit, the national debt, and the intrusiveness of government. The tea party people who attended townhall meetings in August of 2009, like mine in Lebanon, were not Astro Turf, but citizens making important points. But they did not represent all of America or, in my opinion, even a majority of Republicans. Pundits are saying this November our Nation will be at the crossroads. I believe it is more like a clover leaf. If activated and motivated to vote, mainstream voters can steer America to sensible centrist.

Madam President, I thank my colleagues for their forbearance. I yield to the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

REMEMBERING SENATOR TED STEVENS

Mr. BENNETT. Madam President, today we will go to Arlington for the final ceremony with respect to our former colleague, Senator Ted Stevens. He has earned a place in Arlington by virtue of his service in the Second World War, but he has earned a place in the hearts of all of us who worked with him, and like my colleagues I want to take the opportunity to say a few words about Senator Stevens.

Senator Stevens was something of a character. He would wear his Hulk tie. He would cultivate his reputation as an irascible fighter, and he always had a twinkle in his eye when he did it. But there was some truth to it.

I remember the first time I took over as the chairman of the Senate Appropriations Committee. He gathered us together and he, speaking of his predecessor, Mark Hatfield, said: Mark Hatfield was a saint. He was filled with patience. You could talk to him at length, and he was always willing to defer. He was always willing to put off until you could get to the right solution. Mark Hatfield was a saint. I am not. We are going to get this thing done, and we are going to get it done on time. I am impatient, and I am going to make sure that the things go on time. I am impatient, and I am going to make sure that the things go on time.

We all chuckled at that. We did, indeed, enjoy Mark Hatfield. But the point I want to make today is that behind that facade that Senator Stevens liked to put up was a very serious legislator and a very superior human being.

Ted Stevens was always accessible. No matter what your problem was, you could go to him and he would listen to you. I discovered that when we were working on funding for the Olympics. He was a great supporter of the Olympics. As a Senator from Utah, when we were holding the Olympics I not only got his support, but I got his advice and his help. He was always accessible. He was always prepared. If you went to Ted Stevens and caught him by surprise on anything, he was always engaged. He didn't have to have the staff bring him up to speed; he had to have an understanding of the issues himself.

Perhaps most importantly, Ted Stevens was always open to new ideas. I was chairman of the Joint Economic Committee and would talk about the economy to the conference as a whole and would be surprised how many times Ted would come up to me after and have some new idea about the economy or some new source he had come across he would recommend to me. Even after he had left the Senate when I would run into him in a social situation, Ted would say, You ought to get your staff looking at—and then he would fill in the blank with information of what it was he had found out.

Ted Stevens served in the highest traditions of this body. It was an honor and a privilege to have experienced for me to be able to serve with him. On this day, he takes his final resting place in Arlington. I join with my colleagues in paying tribute to him, not just as a Senator but as a superior human being and a great friend.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I rise to salute my former colleague Ted Stevens who will be laid to rest in Arlington today. He earned the right to be buried in Arlington National Cemetery, having served in World War II. Ted is one of the things that hasn't been talked about as much regarding Ted Stevens because he was a remarkable Senator and has a remarkable history with his State of Alaska as well as in the Senate.

Ted Stevens served here for 40 years. From the very beginning, Ted was Alaska's greatest champion. He helped found his State. He pushed through Alaska statehood and worked tirelessly to serve its unique needs for his entire life and continued to be its greatest advocate.

Nine years after he helped establish Alaska's statehood, he was elected to serve in the Senate. In the next 40 years building his State from an undeveloped territory, which Alaska was, to one of our Nation's most important energy producers, along with the other things Alaska gives to our great Nation. It is a testament to Ted Stevens' mighty efforts and his love for his native land.

Alaska and every other State was helped by Ted Stevens. Everyone knows he took care of Alaska because he fought ferociously, but he also helped every other Senator represent their States and the priorities of their States, and that was one of the great things about this man.

In particular, when he went on the Appropriations Committee and later was its chairman as well as the chairman of the Defense Appropriations Subcommittee, he devoted himself to protecting our troops, to making sure that the right amounts of money were put to do the jobs we ask them to do. Of course, he was a man of the military. He was so proud of his air service. He was a man who had flown in World War II. I visited the World War II Memorial to Arlington. I visited the World War II Memorial to Arlington, and I saw the pictures. As a Senator from Utah, when we were working on funding for the Olympics, he was a great supporter of the Olympics. As a Senator from Utah, when we were holding the Olympics I not only got his support, but I got his advice and his help. He was always accessible. He was always prepared. If you went to Ted Stevens and caught him by surprise on anything, he was always engaged. He didn't have to have the staff bring him up to speed; he had to have an understanding of the issues himself.

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Ted Stevens served in the highest traditions of this body. It was an honor and a privilege for me to be able to serve with him. On this day, he takes his final resting place in Arlington. I join with
Back in 1993, when I first entered the Senate, I was one of seven women Senators. I would say there was not another woman on the Defense Appropriations Subcommittee—my colleague BARBARA MIKULSKI was on the committee—to be chairman or vice chairman. I told Ted Stevens, We have more Army retirees in Texas than any other State. We have great Army bases as well as Air Force bases in Texas. I want to be on the Defense Subcommittee. He helped me get there. He stood in the Appropriations Committee and said, ‘I want to serve my State and my Nation. It made a difference in my capability to serve on that committee. He helped me get the subcommittee. I was told later that Ted Stevens was actually discouraged by our Saudi host from bringing me with the delegation because I was a woman. Ted Stevens never told me this until later. He said, No way am I going to keep my seat on your subcommittee and my committee off this trip she deserves to go on, and that was it. I was part of the delegation. I visited our air base there with all of the other Members. I participated in every meeting and every event during that trip. Ted Stevens and DANNY INOUYE together would have it no other way.

Let me mention the relationship between DANNY INOUYE and Ted Stevens. Ted Stevens and DANNY INOUYE were the chairman and the vice chairman. It went back and forth. When Democrats were in charge, DANNY INOUYE would be the chairman of a committee and Ted would be the vice chairman. If Republicans were in the majority, it would be Ted who was the chairman and the vice chairman would be DANNY INOUYE, because they were the soulmates. DANNY INOUYE—was who is now the chairman of the Appropriations Committee and another great patriot for our country, hailing from Hawaii, who won the Congressional Medal of Honor for his great service in World War II—and Ted were inseparable friends and called each other soul brothers.

Another Ted story: One day during the markup in the Senate Appropriations Committee, Ted grew very animated on an issue, and when another Senator said, Mr. Chairman, there is no reason for you to lose your temper, Ted glared back and said, I never lose my temper. I know exactly where it is. Those who knew him best knew his compassionate heart.

There is a wonderful article this morning in Politico, one of the newspapers on Capitol Hill, and it talks about his time. Again, another Ted story. World War II: He was very close to the Chinese, because he flew missions into China. One of the things he did was fly supplies to GEN Claire Chennault’s Flying Tiger air bases in China. He escorted Anna Chennault on her first trip back to China in 1981 when Stevens himself had just remarried and was on his honeymoon with Catherine. “We went on our honeymoon there with Anna Chennault”, said Catherine Stevens, laughing. “Everybody kept sending tips that Ted Stevens had flown missions with Anna Chennault.” Then Catherine said, “And that was technically true.”

This is another side of this wonderful man that we are going to bury today with all of the tributes and accolades he deserves. He was one of the greatest and I am going to say the best legislators who served in the National Cemetery. We will miss this great man, this great patriot, this great Alaskan, this great American, and this great friend to everyone of us here.

Thank you, Madam President. I yield the floor.

The ACTING PRESIDENT pro tempore, The Senator from Tennessee, MR. ALEXANDER. Madam President, Senator COLLINS is next in order, but she has kindly given me a few minutes to make a few remarks, and I wish to thank her for that.

Senator Ted Stevens will be remembered as a patriot who flew the first cargo plane into Peking, as it was then called, at the end of World War II, and helped create and serve the 49th State for a half a century.

I have often thought that some day I should write a book about Senators—not about their gossip or their secrets—but about the things others don’t know about the people we work with: About Jim Inhofe’s flight around the world; about Ben Nighthorse Campbell’s jewelry; about Barack Obama’s and Mel Martinez’s boyhood; about Jim Bunning’s piano. All of these things have nothing to do with politics. I always wanted to start with Ted Stevens. Some day I think I will write this book, including about how he flew a cargo plane into Peking at the end of World War II. It says a lot about the kind of man Ted Stevens was.

No one did more to create Alaska as a State. He worked at the Interior Department for several years, writing speeches, lobbying, doing all kinds of things to cause it to happen. Then he served that State for nearly a half century in the best manner of the greatest generation.

He had a broad view.

He and Senator INOUYE led a trip, along with several of us, to China in 2006. We were better received than if they had been the President and Vice President of the United States, because the Chinese revered Ted Stevens and honored DANNY INOUYE because of their service in World War II. We saw the No. 1 man in China, President Hu. We saw the No. 2 man, Mr. Wu. We saw in all parts of the country the respect they had for Senator Stevens and Senator INOUYE.

Senator Stevens carried that to the measure of China. For example, he saw there in China what the Chinese are doing to remain competitive in the world by building up their universities, keeping their brain power advantage.

He came back to this body and became a principal cosponsor of the America COMPETES Act, which helps our country do the same.

Perhaps no two Senators had a closer relationship than Senator INOUYE and Senator Stevens. They came from the same generation. They fought in the same war. They were both enormously brave. They treated one another as brothers.

I was a young aide in the Senate when Ted Stevens was first appointed to the Senate in 1968. He was here when I came back 20 years later as the Education Secretary, and when I came back as a Senator 8 years ago, he was still here. He served longer than any other Republican Senator. He will be remembered as a great patriot and as the man who flew the cargo plane into Peking in 1944 and spent half a century creating and then serving our 49th State.

I thank the Chair. I thank the Senator from Maine for her courtesy.

I yield the floor.

The ACTING PRESIDENT pro tempore, The Senator from Maine, MS. COLLINS. Madam President, it has actually been a great pleasure to sit on the floor—and I see the Presiding Officer nodding in agreement—and hear these tributes to our friend, Senator Ted Stevens.

It is, of course, with sorrow that I rise to offer these words on the tragic passing of Senator Stevens, but it is also with a sense of gratitude and fondness that I remember that I celebrate his dedicated service to our Nation, to his beloved State, and to the Senate. My thoughts and prayers remain with the Stevens family and with the families of the others who perished in that heartbreaking accident.

In 1999, Senator Stevens was named “Alaskan of the Century.” It was a fitting tribute to a man who, though not Alaskan by birth, became one with every ounce of his spirit, energy, and determination.

In 1953, with his heroic military service behind him and fresh out of law school, he drove from Washington, DC, to Fairbanks, AK, in the middle of the winter to begin his first job in his new profession. He soon was appointed U.S. Attorney and quickly established a reputation as a courageous and diligent prosecutor. Returning to Washington 3 years later to accept a position in the Department of the Interior, he took on the cause of Alaskan statehood as the cause of his life.

In 1959, his relentless efforts were rewarded with success. He served with distinction in the brand-new Alaska State Legislature and joined the Senate 8 years later. In this city, he was known as “Mr. Alaska.” Back home, he was simply “Uncle Ted.” His devotion to his constituents in matters large and small, and in all corners of that vast State, was unsurpassed.

Throughout the years, he returned to duty service for a moment, for I believe it offers a clear view of his character and his patriotism. In 1942, with America plunged...
into war, Ted volunteered to become a Navy aviator, but was rejected due to problems with his vision. Rather than admit defeat, he embarked on a course of rigorous eye exercises and earned his way into the Army Air Corps, scoring near the top of his training class. His assignment: fly cargo over the towering Himalayas to the legendary Flying Tigers—was extraordinarily dangerous. His valor earned him two Distinguished Flying Crosses and two Air Medals, as well as military honors from the governments of China, India, and Pakistan.

As in all things, Lt. Ted Stevens let no obstacle bar his way.

I was privileged to work alongside this extraordinary Senator on the Homeland Security Committee. On every issue Senator Stevens demonstrated great knowledge and commitment to protecting our Nation and our people. As just one example, he was instrumental in passage of the SAFE Ports Act of 2006 to secure the seaports that are so essential to our Nation’s prosperity and security.

Alaska and Maine are separated by a great many miles, but our two States have much in common, including spectacular scenery, and rugged, self-reliant people who also share a connection to the sea that is central to our history and our future. From the Magnuson-Stevens Fisheries Conservation and Management Act of 1976, to his work to protect marine mammals, Senator Ted Stevens demonstrated a deep commitment to the hardworking people who sustain countless coastal communities and an abiding respect for the natural resources that bless us all.

Since his passing, tributes have poured in from across America. Some serve as valuable reminders of his commitment to a broad range of interests. Olympic athletes and those who aspire to that level of achievement know that his Amateur Sports Act of 1978 brought the dream of competing on the world stage within reach of all, regardless of financial circumstances. Female athletes celebrate his support of title IX, the dream of competing on the world stage within reach of all, regardless of financial circumstances. Female athletes celebrate his support of title IX, and he fought for it—not in an adversarial way or in a fight—not in an adversarial way or in a fistfight but in a pride way, fighting for what was right for Alaska.

Ted Stevens was a consummate Senator, a rascally fighter for the State of Alaska, and a proud patriot of the United States of America. He may have been small in stature, but he was a giant in ability.

I always loved when we debated ANWR on the Senate floor—whether to drill. He wanted to drill. The people of Alaska wanted to drill. Every day that I spent with Ted, I knew he believed that his Incredible Hulk tie on and was ready for the fight—not in an adversarial way or in a fistfight but in a pride way, fighting for what was right for Alaska.

Ted Stevens, my dear friends, the first Republican Senator from Georgia since Reconstruction, Mack Mattingly, from Brunswick, GA, told me not too long ago, after the passing of Senator Stevens, that when he first came to the Senate he was the first man to reach out to him, to help him, and to show him the way. I said: Mack, that’s interesting, because when I was elected 6 years ago and I came to the Senate, the first man to offer a hand of leadership and help show me the way was Senator Ted Stevens.

Ted was a consummate Senator, a rascally fighter for the State of Alaska, and a proud patriot of the United States of America. He may have been small in stature, but he was a giant in ability.

Today, we wish to make two brief observations to reflect and impact of Ted Stevens. One of the most important things that he always enjoyed—fishing, spending more time with his family, and being with the people of Alaska who hold him in such high esteem and affection. He was known throughout the States as Uncle Ted.

Today, we wish to reflect on Ted Stevens and his life, but this time we are here to say a final farewell as we mourn his loss. On reflection, nothing says more about the way he lived his life than to speak of his loss at the age of 96 with the feeling that he was taken from us all too soon.

Ted’s life was a great, grand and glorious adventure, and he filled every day of it to the brim as he pursued anything and everything that interested him or would help him to action. The strength of his character and his love of his country saw him through his military service. His determination to succeed and his commitment to getting a good education helped him through college and then through law school as he worked to obtain the skills and the knowledge he knew he would need to be successful in whatever he chose to do in life.

To all who knew him, Ted’s ultimate legacy can be summed up in one word—statehood. That was his first and most powerful calling, and his successful effort to make Alaska a State left its mark on our country and our flag—a flag that we treasure that Ted will always be remembered.

Although it was a remarkable achievement, the idea of making Alaska a State wasn’t a new idea when Ted got a hold of it. It had been talked about for some time, but it wasn’t going anywhere because the proposal needed something more to get the ball rolling—it needed a champion who would fight for it—someone who could develop a strategy that would make it happen. Ted is the person that of the people of Alaska come true. That individual was Ted Stevens.

Ted practically ran the effort from start to finish as soon as he arrived in Washington. He had it in his heart to put it into operation. It produced a groundswell of support that became so powerful there was just no stopping it. The Chief Government's agency that had signed the necessary legislation and Alaska had become our 49th State.

For most people, that would have been enough. But it wasn’t enough for Ted. Ted didn’t know what life had in store for him, but he knew where he would be taking third steps in his life—back home in Alaska.

After a series of twists and turns, Ted became one of Alaska’s Senators. He was a tremendously effective Senator, and his reputation grew over the years as a tireless worker who wouldn’t take no for an answer when it involved one of his State’s priorities.

Ted and I were able to forge a good working relationship and a friendship that meant so much to all of us. We understood each other and more often than not, we supported each other’s legislative priorities. Wyoming is a lot like Alaska, so that may explain why Ted and I got along so well.

Wyoming is a large State with a relatively small population. So is Alaska. Wyoming is blessed with an abundance of natural beauty. So is Alaska. The people who call our States their home are strong, independent and proud—many regard their past, confident of their future, and well aware of how blessed they are to be Americans. I think that comes from the placement of our States. It took people with a sense of adventure and a willingness to put up with a great deal of discomfort and an abundance of hardship to travel the miles it took for them to get to Wyoming and later to travel North to Alaska.

The days to come, whenever I remember the days I spent with Ted, I will think of the words of the old adage that reminds us that the most important inheritance we receive from our
friends, family and those we care about is found in the memories we will always carry with us of the special days we shared with them. For me, I will always remember the times I spent away from the Senate doing what Ted and I most loved to do: enjoying the great outdoors with a fishing rod in our hands. If you are from Wyoming or Alaska, I do not think you can find a better fishing spot anywhere in those two States.

That is how Ted got a lot of us to his beloved Alaska year after year. He was always talking about his Kenai Tournament and the chance it gave everyone to see the sights of Alaska and get a little break from the rigors of the Senate. It was a great fishing tournament, but it was also a chance for us to help Ted raise some needed funds that were used to improve the habitat of the salmon that had the good sense to live there.

God must have needed a good man. I know all miss Ted. When he wore his Hulk tie, you knew things were about to happen and happen fast. This memory makes it feel like he is never far away. Diana joins in sending our sympathy to Catherine and all his family, friends, family can be very proud of the difference they made together over the years and of the legacy they will proudly carry of service and an unwillingness to ever think any task is impossible, no matter how difficult the challenge.

I cannot help but think God needed someone with Ted’s abilities to have taken him from us. I take some comfort in the knowledge that Ted was doing those things he dearly loved right up to the end. He was flying around his beloved Alaska and heading to a lodge to catch up on a little fishing when his plane went down.

In the days to come, whenever I am with my grandson and we both look up at the sky and wonder in wonder and wonder inspire, I will remember the words of the Eskimo proverb that speaks to the reason why the beautiful lights in the sky shine so brightly at night. As legend goes: Perhaps they are not stars but, rather, openings in heaven, where the love of our lost ones pours through and shines down upon us to let us know that they are happy.

I do not know if there is fishing in heaven, but if there is, I know Ted must be fishing patiently for a nibble and the chance to reel in another prize winner. I can almost see him there, fishing rod in hand and a smile on his face. If that is what heaven has brought to Ted, I have no doubt he will be happy forever because it does not get any better than that.

Mr. INOEY. Mr. President, I rise to laud the life and work of the Honorable Ted Stevens, Senator from Alaska. Ted was a fellow World War II veteran and my partner in the Senate who fought hard for behalf of Alaska and this great Nation.

When it came to policy, we disagreed more often than we agreed, but we were never disagreeable with one another. We were always positive and forthright.

We shared a bond in that we believed it was our mission to ensure that Hawaii and Alaska were not forgotten by the lowest tides were constant reminders of the economic and international importance of the Pacific.

Our beloved Ted was much more than the Senator of Alaska, much more than a fighter and a brilliant parliamentarian. A bipartisan effort can accomplish. Ted was a father, grandfather, and loving husband who put his family before everything else. We have lost a great man, and I join my colleagues in mourning his passing.

Mr. President, recently in meeting with the Librarian of Congress, Dr. James H. Billington, our chat focused upon Senator Ted Stevens. I learned that on August 14, 2010, Dr. Billington had written a special tribute to Senator Ted Stevens. The following is a part of that tribute. I ask unanimous consent to have Dr. Billington’s tribute printed in the Record.

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Mr. President, I ask unanimous consent to have Dr. Billington’s tribute printed in the Record.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A TRIBUTE TO SENATOR TED STEVENS


Just a few years ago, at the end of a particularly exhausting week in the Senate, Ted Stevens took an overnight flight to open a Library of Congress exhibit that marked the 300th anniversary of St. Petersburg. He insisted that I take his comfortable seat on the way over; and he flew back rapidly—leaving me well-rested for follow-up and the Russians in awe.

I was waiting to speak after Russian President Putin in a changing world.

This small memory came back to me just a year ago when I was back again in St. Petersburg. I was waiting to speak after Russian President Medvedev at the dedication ceremony of a great Petersburg palace that had been refashioned into the central building of a new library system for Russia modeled on the ways on the Library of Congress. I think my subconscious was reminding me that neither nor the Library would probably have been in the picture without the various ways we quietly helped the Congress’ library undertake new initiatives for our country—during and beyond his many years as Chairman and Vice-Chairman of the Joint Committee on the Library of Congress.

Senator Stevens played a key role in bringing into being within the legislative branch of government multi-lingual World Digital Library with private support and the endorsement of UNESCO.

Senators Stevens was an early advocate and staunch supporter of The Open World Leadership Program, the first international people-to-people exchange ever created and administered within the legislative branch of US Government. For eleven years it has enabled more than 15,000 emerging young leaders from Russia and other states of the former USSR to experience democratic governance in action in local communities across America. Senator Stevens was and remained active and engaged as the Honorary Chairman of its Board of Trustees.

Very early in the year 2000, Senator Stevens devoted an entire Saturday to discussing at his home the national need for preserving important information that was increasingly available in highly perishable digital form. He proceeded to take the lead in creating the still ongoing National Digital Information and Infrastructure Preservation Programs (NDIIPP) that enabled the Library of Congress to work with 170 partner repositories throughout America to conserve immense amounts of digital material.

Ted Stevens rarely mentioned and never stressed his own role in any of these programs. He repeatedly credited the contributions of other colleagues and of the Congress itself. He was respectful and supportive of those in public service implementing these and many other long-range national programs.

At this sad time, all of us at the Library, especially the staff who worked with him, gratefully remember his help in creating unique and challenging new programs within America’s oldest federal cultural institution. I mourn the passing of a deeply admired friend. He was an unforgettable public servant—not just for his beloved Alaska, but for all of America and our long-term future in a changing world.

Ms. MURkowski. Mr. President, on the morning of Tuesday, August 10, in Alaska, in Washington, and around the world, time seemed to stand still. It was then we received word that a floatplane carrying our beloved Senator Ted Stevens had gone down in the remote Bristol Bay region of western Alaska, far away. Senator Stevens lived in that area, as he did practically each summer for decades, to pursue one of his deepest passions—fishing.

Along with Senator Stevens on that flight were several of his closest friends: Sean O’Keefe, the former Administrator of the National Aeronautics and Space Administration; Jim Morhard, who came to the Senate in 1983 as an aide to Senator Pete Wilson of California and retired in 2005 as chief of staff of the Senate Appropriations Committee; Bill Phillips, a distinguished Washington lawyer and former chief of staff to Senator Stevens was on the flight; as was Dana Tindall, one of 1. He championed a special $2 million grant to the Library in 1999 to create a bi-lingual, online library of primary documents comparing the parallel experiences of Russia and America as continent-wide, multi-ethnic nations. This visionary, one-time appropriation (which we had not requested in our budget submission) enabled the Library to attract unprecedented international interest in Russian and other repositories and to put online three-quarters of a million rare Russian items. This experience has helped equip us with more recently to launch a multi-lingual World Digital Library with private support and the endorsement of UNESCO.

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The Almanac of American Politics indicated that Ted Stevens was known as Uncle Ted because so many Alaskans viewed him as their own Alaskan family. Alaskans treasure the photographs and the letters that Senator Stevens sent them. Some of those photographs and letters were decades old, yet treasured keep-sakes.

Ted Stevens leaves Alaska’s young people an opportunity to intern in Washington, inspiring many careers in public service. I am proud to be one of those interns. He hired many young Alaskans, once they graduated college, as junior staff members. He encouraged the heat to go to law school and then brought them back as legislative assistants and committee staff. Many went on to accomplish great things in their chosen fields.

In the aftermath of Senator Stevens’ death, hundreds upon hundreds of Alaskans lined the streets of Anchorage bearing signs that read, “Thank you, Ted” as his funeral procession drove by. Makeshift memorial services were conducted in Alaska’s Native villages.

Why did Ted Stevens’ loss shake Alaska so hard? The answer is simple. For generations of Alaskans he had been their Senator for life. Ted Stevens became Alaska’s Senator less than 10 years after Alaska was admitted to statehood. I was 11 years old when he first came to the Senate.

In so many respects, his elevation to the Senate in 1968 was the culmination of a career of service to Alaska that began in the 1930s. It was, if you will, his second career of service to the people of Alaska.

Ted’s first career began when he was named the U.S. attorney in Fairbanks. In a 2002 speech to the Alaska Federation of Natives, Ted recalled that this position gave him the opportunity to intern in Washington, in the Interior Department. He played a key position on the Defense Appropriations Subcommittee to make this all happen.

During his more than 40 years in the Senate he traveled to visit with service members on the battlefield. He visited Vietnam, Kuwait, Bosnia, Kosovo, Iraq, and Afghanistan. On those trips he spent time with those in the lowest rank and asked how the food was, how their families back home were coping.

Although he will long be remembered as a tireless advocate for the responsible development of Alaska’s abundant natural resources, his friends and even his foes readily admit that he leaves a substantial conservation legacy. He was key to the compromise that led to the enactment of the Alaska National Interest Lands Conservation Act, a leader in fishery conservation through the Magnuson-Stevens Fishery Conservation and Management Act and the High Seas Driftnet Fisheries Enforcement Act.

He was a champion of the Olympic movement, a champion of physical fitness, a champion of amateur athletics. He played a significant role in ensuring that female athletes could compete on a level playing field with their male counterparts. He was one of the best friends public broadcasting could possibly have in Washington. He championed family friendly policies for America’s civil servants. These are some of his legacies to the Nation.

But to many Alaskans he was known simply as “Ted.” And it was not just for the Federal dollars he brought to the State of Alaska, the energy facilities, hospitals and clinics, roads, docks, airports, water and sewer facilities, schools and other community facilities, although these were substantial.

The Almanac of American Politics observed, “No other Senator fills so central a place in his state’s public and economic life as Ted Stevens of Alaska; quite possibly no other Senator ever has.”

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Ted Stevens could not have guessed at that point that he would join the U.S. Senate and have the opportunity to make the dreams of Alaska's Native peoples a reality.

That was the first order of business when he came to the Senate. He began work on the Alaska Native Claims Settlement Act in 1969 and on December 18, 1971, the dream that Alaska's Native people would hold title to their ancestral lands became a reality.

This December marks the 30th anniversary of the passage of the Alaska Native Claims Settlement Act—ANCSA. That landmark legislation returned some 44 million acres of land to Alaska's Native people and created the regional and village Alaska Native Corporations.

ANCSA led to a resurgence in Native pride and self-confidence. It gave our Native people unparalleled opportunities to lead. It has proven a valuable legacy for the continuation of Alaska Native culture through the generations.

Senator Stevens played a significant role in bringing Alaska's Native people together to create today's great institutions of Indian self-determination. The Alaska Native Health consortium and the Southcentral Foundation, which together operate the Alaska Native Medical Center in Anchorage, are just two examples.

The Alaska Native Medical Center, Alaska's only certified level II trauma center, has earned national recognition for the quality of its nursing care. It is connected through innovative telemedicine technology to regional Native medical centers in rural Alaska and clinics at the village level. None of this would be possible without Senator Stevens' leadership.

Senator Stevens deplored the Third World conditions that stubbornly persisted in rural Alaska, threatening the health of Alaska's children. He helped build showers and laundromats in rural Alaska—we call them washeaterias—and he helped construct water and sewer facilities so that our Native people did not have to haul their waste to an open dump site. I am sad to say that this work is far from being done. There is that last 25 percent or so that remains to be done.

It is often said that a society is judged by the way it treats its most vulnerable members. It is appropriate that we judge the character of our elected officials in the same manner. In Alaska, our Native people are the most vulnerable. For decades, Alaska's most vulnerable people have had no better friend than Ted Stevens.

As I noted in my response to Ted's farewell speech on November 20, 2008, "When I think of all of the good things, the positive things that have come to Alaska in the past five decades I see the face and I see the hands of Ted Stevens in so many wonderful ways.

Not just in rural Alaska but throughout Alaska I think of Senator Stevens whenever an F-22 takes flight from Eielson Air Force Base. I think of him when I drive through the front gate of Eielson Air Force Base, which was spared from the 2005 BRAC round largely through his leadership. His face is in the new VA Regional Clinic in Anchorage and in the Community Based Outpatient Clinics, which I believe he thought of when I am fishing on the Kenai River and all of his efforts to help with conservation and restoration of this world class river. These are just a few of Senator Stevens' contributions to Alaska. There are so many more.

At the close of his farewell remarks to the Senate, our friend Ted, told us that he had two homes: "One in this Chamber, the other his beloved State of Alaska." He closed his remarks with the phrase, "I must leave one to return to the other."

How prophetic. For on the afternoon of August 9, a cold and gloomy day, yet the kind of day when fishing is great, the Lord called our friend Ted Stevens from his life's work in Alaska. Ted's departure leaves a tremendous hole in the hearts of the people of Alaska, a hole in the collective hearts of his Senate family, and a hole in my heart that will take a long time to heal.

On behalf of a grateful Senate and a grateful American people, I extend condolences to Ted's wife Catherine; to his children Susan, Beth, Ted, Walter, Ben and Lily, and to all of the grandchildren.

As our friend, the late Senator Robert Byrd, knew and often recounted on the Senate floor—of all of the things that brought Ted Stevens joy, his family brought Ted the greatest of joys. In Ted's words, his family gave him the kind of love, support, and sacrifice which made his 40-year career in the Senate possible and gave it meaning. We thank Ted's family for sharing this remarkable man with Alaska, the Senate, and the Nation.

Thank you, Ted. We will never forget you.

Mr. LEAHY. Mr. President, for 34 years in the Senate it was my privilege and honor to serve alongside Senator Ted Stevens of Alaska. Today, I would like to pay tribute to Ted, a dedicated public servant, a respected lawmaker, and a man I am proud to call my friend.

Ted Stevens loved this country, and he dedicated nearly his entire life to public service. He served as a pilot in World War II, as a U.S. district attorney, as a senior member of the U.S. Interior Department, and as a U.S. Senator. Ted loved his State. In fact, he assisted in its birth as a State. During his more than four decades in the Senate, he was an unrelenting and unabashed advocate for Alaska and its people. I know no other Senator who has filled so central a role in their State's public and economic life as did Ted Stevens. Indeed, many Alaskans knew simply as "Uncle Ted."

The fight for Alaskan statehood was Ted's principal work at the Department of the Interior, and, over time, he developed another appropriate nickname: "Mr. Alaska." After leaving Interior, Ted returned to Alaska and was elected to the Alaska House of Representatives in 1964. In 1968 he was appointed to the U.S. Senate, and today he is the longest-serving Republican Senator in history.

In the Senate, he was a tough negotiator and a savvy legislator, but he was always fair. He was an old-school Senator, and he kept his word. During the uncertain years preceding ANCSA, Ted helped transform Alaska, playing key roles shaping the State's economic and social development. A staunch defender of the Alaskan way of life, he championed legislation to protect the fishing industry, to build the Alaska oil pipeline, to protect millions of acres of wilderness area, and to address longstanding issues surrounding aboriginal land claims. While he and I have not agreed on some issues, I have never questioned his commitment to do what he believed was right for his State and its people.

I know it can sound repetitive when people hear Senators make remarks such as these about our colleagues. But it is important for the public to know that despite all of the squabbling that goes on in Washington, there is the deep respect, affection, and caring that goes on among the Senate's Members, who work side by side and day by day to do the Nation's business and on the concerns of their constituents.

I was last with Ted at Bob Byrd's funeral. I had asked him if he would sit with me because we had not seen each other for a while and it gave us a chance to get caught up. I told him again how much his friendship meant to me and how much I missed him in the Senate. We talked about the number of pieces of legislation we had worked on together and both spoke of Ted being part of the old school of Senators those who agreed with agreements they had made and our concern that was not the way some were today. It was a sad day being at a memorial service, but it was a special day being with Ted.

Ted was a statesman, a public servant, and one of my closest friends in the Senate. I consider myself fortunate to have known him and served with him. I will miss Marcelle and I wish Catherine and all his family our best wishes.

Mr. BUNNING. Mr. President, today I rise to pay tribute to Senator Ted Stevens, who will be laid to rest today at Arlington National Cemetery. Unfortunately, Senator Stevens was taken from us on August 9 of this year, but his legacy will live on through the countless lives he touched during his distinguished career in public service.

Senator Stevens will be missed by so many because of the tenacity he displayed fighting for so many. This began when he volunteered for the Army Air Corps during World War II, where he supplied Chinese forces as
When I first arrived in Washington, DC, in 1987, my son was entering first grade at the same time as Ted’s beloved daughter, Sam and Lily became fast friends, and, lucky for me, so did their parents.

Over the years, Ted and Catherine were very close friends of ours and like godparents to Sam.

Anyone who knew Ted well knew how important his family was and the high value he placed on his children and their friends. His family is one of the most kind, gentle, and readily approachable father, uncle, and godfather.

His concern about others’ children and family members was equally heartfelt. As he exercised his many leadership roles, Senator Stevens was always willing to take our family obligations into account. He realized how important it is to schedule time for our families in the chaotic, hectic life we lead in the Senate.

In addition to the close personal friendship I enjoyed with the Stevens family, I had the opportunity to work closely with Chairman Stevens as a member of the Senate Appropriations Committee. As chairman, Ted was solicitous of the concerns of even his most junior members. He was a devoted friend of his partner—sometimes ranking member and sometimes chairman—Senator Dan Inouye.

Ted was a very passionate defender of the Appropriations Committee, its prerogatives, and its responsibilities. Woe unto the person who attacked the appropriations process or the work that he had done. We could use more of that wisdom around here today.

As former President pro tempore and the longest serving Republican Member of the U.S. Senate in our country’s 230-year history, Ted was a faithful and dedicated leader of the Senate.

But Senator Stevens’ influence extended far beyond the Senate to Alaska, the Nation, and the World. Many of the accomplishments of the Senate over the last 4 decades bear the mark of Ted Stevens.

As a war hero himself, Ted was tireless in his leadership to secure a strong military—and funded a strong personnel system, the most needed, up-to-date equipment and the most promising research. The current strength and superiority of the U.S. Armed Forces is due in no small part to Senator Stevens.

He was a leader in the natural resources, transportation issues, and climate change issues important to all of America but that particularly affect his home State.

Ted was passionate about Alaska—its natural beauty, its people, its needs, and its fishing. Many of us have enjoyed traveling to Alaska with Senator Stevens and discovering firsthand the treasures it has to offer.

The many roads, parks, and buildings named for him are but a hint of all he has done for the State. His contributions are extensive and lasting, from improving the infrastructure to safe-guarding the wildlife and natural resources Alaska has in abundance.

Alaskans rightly dubbed the Senator the “Alaskan of the Twentieth Century.”

It was a tremendous honor and privilege to serve with Ted.

Mr. SHELBY. Mr. President, I rise today to pay tribute to our colleague, our friend, and a great statesman, Senator Ted Stevens.

It is a somber day in the Senate Chamber as we continue to mourn his loss.

Senator Stevens’ service to our Nation began during his military service during World War II as a “Flying Tiger,” and spanned six decades.

During his 41 years in the Senate, Senator Stevens has been chairman of four full committees and two select committees, assistant Republican whip, and the President pro tempore Emeritus. One of the most effective Senators, Senator Stevens was an ardent supporter of our national defense, serving as either Chairman or Ranking Member of the Defense Appropriations Subcommittee from 1980 to 2005. A champion of our Armed Forces, he ensured that our servicemembers have the equipment, training, and pay necessary to be prepared to take on those who threaten our national security.

Senator Stevens was not only my distinguished colleague but someone I considered a friend. He was a man of purpose whose life touched all those with whom he came in contact.

His commitment to the people of Alaska was remarkable, making him a legendary advocate for the State. No one has done more for Alaska than he did. His many contributions to both Alaska and our Nation will not soon be forgotten.

He will be remembered as a dedicated American, World War II warrior, a public servant, and the quintessential American statesman who gave so much of his life in service to the Nation.

I offer my thoughts and prayers to his family and friends during this difficult time.

Mr. CHAMBLISS. Mr. President, I rise today to honor the life and commitment of Senator Ted Stevens to the State of Alaska and to our Nation.

As we all know, Ted joined the military at a young age and served his country with honor.

He earned his Army Air Corps wings in 1944 and served in World War II as a member of the Flying Tigers, for which he received the Distinguished Flying Cross.

Two friends of mine from Georgia who served with the Flying Tigers knew Ted during those days. When they shared with me stories of those times, they always spoke fondly of Ted.

Several years ago, I attended a funeral of a family member of one of our Senator colleagues on the west coast. A few other Senators were in attendance, but not many. One of those nights we stayed up late and started talking...
about life, and Ted told us he always attended the funerals of colleagues and their loved ones because when his first wife was tragically killed in a plane crash, those colleagues who took the effort to make the trip up to Alaska to attend her funeral meant so much to him.

That is the type of person Ted was—he was loyal to the State of Alaska, his Nation, and to his colleagues.

Ted and I also worked closely on defense issues and he was a good ally to have in those battles.

He was a good friend and an esteemed colleague who served with distinction in the Senate.

Ted will be remembered for his passion and his many, many years of service to his constituents.

Mr. LEVIN. Mr. President, today one of the most enduring figures in this Nation’s political history and the history of this Chamber will be laid to rest at Arlington National Cemetery. For more than half a century, it was almost impossible to discuss the State of Alaska without discussing Theodore Fulton “Ted” Stevens.

Like many, Ted Stevens came to Alaska from elsewhere, searching for opportunity. Fortunes flourished as well as he did. He was named a Federal prosecutor just months after he arrived in Alaska in 1953—meaning his public service to Alaska predated its statehood. But he was a key figure in the drive for statehood. He became the State’s first prosecutor just months after he arrived.

Over the next four decades, he became one of the most influential Senators of the 20th century. Alaska was a young State with a small population, but that did not stop Ted Stevens from advocating forcefully and effectively on his State’s behalf. He became the longest serving Republican in the history of the Senate, and the State he fought to become a huge beneficiary of his service.

He was a World War II veteran and a devoted family man. History will remember him as one of those present at the founding of Alaskan statehood and a longtime servant of the State. Barbara and I know that the memory of Ted Stevens’ long and full life will relieve the sadness of his family, his constituents, and his multitude of friends at his passing.

Mr. LEVIN. Mr. President, I have just returned from the interment services for our colleague and our friend, the Senator from Alaska, Ted Stevens.

I must say it should be pointed out that our Chaplain, Chaplain Black, gave a marvelous eulogy during the graveside services that was poignant, elegant, and I know in regard to helping the family with solace and poignancy, he had no equal. He simply was absolutely marvelous. He described Ted Stevens as a kind of nature—which I think was rather appropriate description, depending on your description of a force of nature—and as a person who always made him laugh. Well, it is difficult to try to figure out how to eulogize a person of Ted’s stature, someone who has done so many different things. So you have to sort of segment, it seems to me, your own personal relationship with Ted and do the best you can to grasp this unusual man and describe him.

I was a Member of the House when I first met Ted Stevens. It was at a Republican retreat years ago. In expressing his opinion, he was obstreperous, if not outrageous, of any other person’s point of view. To say he was both unique and memorable is an understatement—a force of nature, indeed, perhaps a wandering tornado, if you will, with a poststorm rainbow of ideas.

I came to the Senate back in 1996. It didn’t take long for Ted Stevens to burst into my—up to that point—relatively routine senatorial life. He jabbed his finger on my chest and said, “Get read, murdered, which I did. Then he said, “Well, I sure as hell know who you are.” He said, “You allegedly know something about agriculture.” I said, “Well, thank you,” and he interrupted and said, “Agriculture and Servicest and Intelligence?” I said, “That’s right.” He said, “How would you like to go to the Russian Far East with me and Danny and some others?”

I thought to myself, Why on Earth would I want to go to the Russian Far East?

He said, “We are going to Khabarovsk, and then we are going to Vladivostok. But that’s out there where the Cossacks went over the steppes of Russia. Then we are going to meet with the admiral of the Russian navy, and Vladivostok is closer to Alaska than to Moscow. I know him,” said Ted. “Then we are going to South Korea to indicate our strong support. But then we are going to be the first delegation allowed into North Korea, Pyongyang.”

Well, that got my attention. He said, “That is why I need to have you come along, because we can arrange a third-party grain sale, there are things that we can do in North Korea to at least establish a relationship.”

I thought, what a unique idea, using agriculture as a tool for peace, if you will—or at least a fulcrum to change the relationship with North Korea. I said, “Well, sure, I will sign up.”

That began a personal and meaningful relationship with Ted and Catherine and the family and our family that lasted during the duration of my career in the Senate until his untimely death weeks ago.

He said, “I understand that you are a newspaper guy.” I said, “Yes, and?” He said, “And in regard to our CODEL.” I might add that any CODEL you went on with Ted Stevens, you always had a T-shirt afterward saying: “I survived CODEL Stevens.”

You could—and I did—end up at the South Pole. So, as was known as the Stevens CODEL scribe.

In any case, we went to Khabarovsk and Vladivostok. We talked to that admiral, who felt closer to Ted Stevens than he did his own Russian Government, and we went to Sakhalin Island. Ted was trying to work out some kind of arrangement where American oil companies could explore and develop the tremendous oil reserves there and they signed a contract that meant something with Russia. It was there that Flying Tiger Ted learned about saber-toothed tigers that were allegedly actually still alive in that part of the world. It is a wonder he didn’t schedule a hunting trip.

Then we went to South Korea and eventually into North Korea, and it was the first delegation allowed into that theocratic time warp. We left everything on the plane. We stayed at an alleged VIP headquarters—no heat, very cold, just North Korean TV with 24/7 military parades and martial music.

That night the discussion had gone on and on and on. We had hoped to meet with Kim Jong II, but that was not possible, so he sent two of his propaganda puppets to meet with us. We had permission from the Treasury to waive certain requirements so that we could arrange for a third-party grain sale to North Korea, through a famine every harvesting year. It would have been at least a start.

So you had Ted and Danny Inouye, two World War II veterans, who told the North Korean delegation it was time to make peace with the Democratic People’s Republic of Korea. That night the discussion had gone on and on and on. We had hoped to meet with Kim Jong II, but that was not possible, so he sent two of his propaganda puppets to meet with us. We had permission from the Treasury to waive certain requirements so that we could arrange for a third-party grain sale to North Korea, through a famine every harvesting year. It would have been at least a start.

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or anybody, get overwhelming citizen support and approval and accolades from his State and be named "Alaskan of the Century," Ted did. I was there to allegedly roast him. There was a great crowd. Facts and records are stable, and Ted was and is today the "Alaskan of the Century," What he did and what he accomplished in the making of our 49th State was simply remarkable. By the way, the Federal Government still has not made good on many promises they made to Ted and to Alaska and dilligently to make Alaska a State.

At any rate, he flew in, during that ceremony, on a World War II plane. He had his combat jacket. He came in with Catherine and they took their places on very posh chairs. I will quote what he said time and time again to the people of Alaska: "The hell with politics; let's do what's good for Alaska." I will add this: The country and our national defense and every man and woman in uniform owe this man a great debt.

When you come to this body and you come to public service, you know you risk your ideas, your thoughts, your hopes, and your dreams before the crowds. You have to stand up and say yes, and you have friends who will stand behind you when you are taking the bows. Then perhaps something happens in your life and you suddenly become a lightning rod for accusations; you wonder where your friends are. But you will stand beside you when you are taking the bows, not the bows. The lightning rod was fast, furious, and egregious, especially considering the man, his accomplishments, and integrity.

In Washington, when there is crisis and chaos and big-time problems, many are called but few are chosen. When the chips were on the table, we chose Ted. As chairman of the Senate Appropriations Committee, he headed up the process. The National's spending priorities. What a tough job. It was a tough job then, and it is even tougher today. But he did a heck of a job. For you, see, Members of Congress are a lot like someone suffering from the flu, an insatiable appetite on one end and no sense of responsibility on the other.

They said: Ted, Ted, we know how to meet our budget caps, but this program is really important to me. My program is an investment, not a cost. Sometimes the chairman has to wade through all of the demands of his colleagues, try to meet the ever changing and growing needs of our Nation at an unprecedented time of economic challenge, and through all of it, then he must fulfill our obligations to guarantee our national security and to the many entitlement programs we are very reluctant to reform in this body and the other body and to which we Americans seem to think we are entitled. It is like herding cats, big cats with big claws and so hard to control. It is like Sakhalin Island. In the doing of this, Ted Stevens was surrounded by many colleagues good at proposing more spending on existing programs and new programs to boot and those who look at any spending increase with a gleam in their eye and the tools of a stonercutter.

There are few, however, who can make the hard decisions that Ted did. Just at the time he thought he could make both ends meet in behalf of Alaska and our Nation, someone moved the chains. To his critics—and there were many—the old saying "a penny for your thoughts" may be a fair evaluation. The wheels of progress are seldom turned by cranks, critics, or, in Ted's case, a howling pack of wolves.

Today, both political parties are having trouble looking beyond their ideological fences. Ted Stevens was a bipartisan fence-mender while riding herd on all of the strays. How on Earth did he do this? How did he persevere throughout an ordeal that would have bested the best of men?

Abraham Lincoln defined duty in this way: "I do the very best I know how, the very best I can, and I mean to keep doing so until the end. If the end brings me out all right, what is said against me will not amount to anything. If the end brings me out wrong, what is said against me will not amount to anything." So it was with profound sorrow that we learned last month that Ted Stevens had died in a plane crash on a fishing trip in his beloved State. His country owed him big thanks for his long service to his Nation, both in the military and here in the Congress. The State of North Dakota and the city of Grand Forks owe him thanks for his role in bringing needed funding to projects all across our State.

Lucy and I send our deepest condolences to his wife Catherine, his family, and his friends. Ted was one of a kind. We will miss him.

Mr. COCHRAN. Mr. President, today at Arlington National Cemetery the final resting place of so many national heroes, the burial service of our friend and former distinguished colleague, Ted Stevens of Alaska, was attended by...
a large number of friends. It was my honor and privilege to serve as a Member of the Senate with Ted Stevens. From him I learned the importance of hard work and seriousness of purpose that characterized his exemplary service in this body.

He was energetic and tenacious, and he used those assets to accomplish so much for the people of his State. His quick wit and capacity for hard work were formidable assets that enabled him to get things done for his country and for the State of Alaska.

It was a special pleasure to visit Alaska with him and especially to participate in his annual Kenai River fishing tournament which raised money for the preservation of that river and the unique beauty of its river basin.

Alaska and our Nation have lost a great leader and a true patriot, and I have lost a highly valued friend.

Mr. BROWNBACK. Mr. President, it wasn't so that we saw the lofty formation of four jets flying in formation over the burial site of Ted Stevens. Then, just as it passes over the site, one of the jets heads up, breaks formation, and heads into the sky above the others. It is such a memorable thing you will see it twice, this formation. It is so memorable for me on this particular occasion because it is about a man who is so memorable.

Senator Ted Stevens served in this body for many years and is ‘Mr. Alaska’ to this Nation’s Capital and to many of the people in his home State. He is one of those soaring, towering figures who served in this body. He died at age 86 in a tragic accident, but he leaves a memory and a legacy that won’t be forgotten.

One of the things I find so endearing about the memory of Ted Stevens is his tenacity in his work and his belief in the body. This guy would fight tirelessly for his beliefs, and for this body. He did it for a lengthy period of time through a number of different administrations and was an institution in and of his own right in what he did. I know the Presiding Officer, who works in this body and has served in this body, is someone who remembers Ted Stevens similarly.

I didn’t realize some of the other aspects the Chaplain of the Senate talked about. There were about 6 years when Ted had to go temporarily to the Senate, so he would open the Senate every day. He would open the Senate, pledge allegiance to the flag, and then came the prayer. Senator Stevens at that time would go to the Chaplain and say: ‘Let’s bring up the prayer pressure, Chaplain—really urging him and us forward and to do things better and better for this country. It is a marvelous legacy to think about and to know about.

One of the beauties of serving in this body—and this is my last year in this body—is the people you get to meet and get to know. One thing that is always straining to me is that while we deal with policy issues all the time, it is the people whom you touch who are so important and so critical. I think too often we look at it as a policy debate when I think we really should be looking at people’s relationships. I say that from the standpoint that we need to be better in working together.

Ted Stevens had a relationship with Chairman INOUYE across the aisle in the Appropriations Committee. It is often those relationships that get things done. People lament in leaving this body that the time of the civil, it is this or it is that. My analysis is that it has gotten less relational, and that is the real problem, is that people don’t have relationships across the aisle with people whom they talk with and with whom they are friends. They disagree. They disagree on a lot of different things. They disagree probably on most things that are voted on. Yet when it comes to the end of the day and we have to get something moving and done, it is that relationship of trust and friendship, who is a friend that you can work with and what counts. I think that is what we really need to look at much more, the relational needs. It is not something you can artificially do. It is something that has to take place over a period of time. It is something that has to take place over probably a period of a series of projects where, after a period of time, you say, you know, this is a person whom I can work with, whom I relate with, and whom I trust. I think it is that trust that gets things done at the end of the day. It is that sort of thing you could often see in Ted Stevens.

Whenever Ted Stevens gave his word, you knew it was going to happen. If he had any way of doing it, it would be according to what he said. I had a friend of mine who once said that when a man breaks his word, it breaks the man. You could look at Ted Stevens and the guy was consistent; if he said he was going to do it, he saw it, he saw something he would stand with, and that is a good trait.

I bring these memories of Ted to the floor at a time when we have just witnessed the jet fly up toward the sky in memory of Ted Stevens and of his spirit and of his relational nature that he had within this body, with people he knew and who knew him, who trusted him and whom he trusted. I really commend that way of service, that time of the year as well to Members continuing in this body that we be a lot more relational and intentional about relating to one another so that we really look for those chances to do that.

God bless you, Ted Stevens.

Our thoughts and prayers go out to his family and to the survivors, certainly, of that terrible plane crash that took Senator Stevens.

Mr. REED. Mr. President, this afternoon at Arlington National Cemetery, this Nation laid to rest a great American, a great patriot, an extraordinary Senator, Ted Stevens.

I had the privilege of serving with Senator Stevens for 13 years. In that time, he impressed not only myself but everyone with his deep commitment to his State of Alaska, to the Nation and, in particular, to the men and women of the Armed Forces.

Ted Stevens began his commitment to service above self at the age of 19, when he joined the U.S. Army Air Corps. He became a pilot and at age 20 received his wings. Then he was deployed to the China-Burma-India theater, where he undertook some of the most dangerous missions any pilot had to face in World War II. He flew over the Hump. He flew supplies to Chinese national forces, and he would frequently fly behind enemy lines to deliver his precious cargo and to keep that flight going. They would fly at night, and they would have to muffle the flights—their engines—to avoid detection by the Japanese. They would land and camouflage the planes, before they were in enemy territory, and then they would take another dangerous flight out in the evening—to return again and again. That kind of sacrifice and service and courage is remarkable.

One of the most typical of Ted Stevens, it was not something he boasted and bragged about a lot. He just did it. That was one of the great strengths of Ted Stevens. He just did things he thought were right.

When he returned to the United States, he attended college. He went off to Harvard Law School and became a lawyer. Although he had midwestern roots, he saw his future in the great State of Alaska. He packed up and went to Alaska, and Alaska changed him, but I suspect he changed Alaska more. One of the things I believe he felt very strongly about, having seen the great effort of World War II, having seen citizens come together from all our communities, different ethnicities and races, to forge a unified effort to do a great thing, he was convinced that government could make a positive and important contribution to the life of his community in Alaska. He worked very hard. He worked hard to build roads, to build bridges, to literally bring together the people of Alaska. He supported consistently and enthusiastically the military forces—not just there but across the globe. He too served, and he knew what these men and women were doing and how important it was.

Something else struck me, too, while I was at the services today. A gentleman from New England came up to me and said, ‘‘Hi, Senator,’’ I wondered why he would be there. He was involved in the fishing industry in New England, and he appreciated what Senator Ted Stevens did for the fishing industry in Alaska, because he extended some of the things that helped Mr. Hooke. That was another thing about him. If he thought it was important enough for his constituents, he equally felt it
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was important for all people. He helped all of our constituents, and he would do it in a positive way.

I always found Ted Stevens to be somebody who was clear on where he stood. If he was with you, you didn’t have to worry. If he was against you, you should worry. He was consistent and honest. He represented the values we all appreciate—candor, honesty, and decency.

Today, America has laid to rest a great patriot. To his family, our deepest condolences. But what he has done—and not just for the people of Alaska but for all of us—has left an example of patriotism, of diligence, of hard work, and of commitment to this Senate, which will sustain and inspire us in the difficult days ahead. For that, I thank him.

Mr. AKAKA. Mr. President, I rise to pay tribute to Senator Ted Stevens, a great American.

Senator Stevens cared deeply for the people of Alaska, and all the people of the United States of America.

He dedicated his career to the security of our being of this country, from his early days as an Army Air Corps pilot in World War II where he served multiple deployments across several continents, through his long career here in the U.S. Senate, as the longest-serving Republican in the history of this institution.

Ted Stevens was a brother and a dear friend. We were ohana, family. We worked together on so many issues to serve the needs of our noncontiguous States.

Senator Stevens knew well the unique challenges both Alaska and Hawaii face, as the newest States, farthest from the U.S. mainland.

Ted Stevens’ love of Alaska is well known. But many people do not know Ted was actually a great surfer, and he was a frequent visitor to Hawaii. He loved to surf Kaimana Hila, Diamond Head, and Waikiki.

While his sunny days were over, he brought his favorite surfboard here to Washington and displayed it in his Senate office, alongside the many treasures from Alaska. Ted loved Hawaiian music and song, and I enjoyed singing with him.

Ted Stevens was a friend of America’s first people. He constantly reminded the United States of its responsibility to its indigenous people in Alaska, Hawaii, and across the country.

While the people of Alaska will always remember him, visitors to our Nation’s Capitol will also be reminded of Ted Stevens’ work. Together we worked successfully to move the 1965 model Internal Revenue Act of Freedom out of storage and into its prominent place today in the Capitol Visitor Center Emancipation Hall.

Ted Stevens brought strength and passion to the Senate for many decades. He was a constant presence in this institution.

My wife Millie and I send our warm aloha and deepest condolences to Catherine and all of Ted’s family. I also want to extend my condolences to Senator Stevens’ staff who worked tirelessly for him and for all of Alaska for so many years.

Aloha, farewell to Senator Ted Stevens.

Mr. WICKER. Mr. President, I rise this evening, as so many colleagues have done, to pay tribute to and remember one of the Senate’s most enduring Members, the late Senator Ted Stevens of Alaska, who was buried today. For 40 years, Senator Stevens represented the people of Alaska in this body with zeal, with dignity, with intellect, and with strength.

‘‘Ted Stevens came in a small package, but he was indeed a giant—a giant for Alaska and for the Senate. He helped to chart a course for America’s 49th State and our entire Nation through his vigorous dedication and passion. As one of the earliest proponents of Alaska, Ted Stevens’ legacy remains intertwined with Alaska’s development. His pride in Alaska was unmatched.

‘‘Fighting on behalf of Alaska, Senator Stevens was instrumental in developing America’s energy policy and highlighting the incredible natural resources available in our own country. He saw the danger posed by a lack of energy security for this country, and drawing on Alaska’s vast resources, he tirelessly advocated energy independence. His work, including the Trans-Alaskan Pipeline Authorization Act of 1973, created good jobs for Alaskans and helped supply the power America desperately requires to fuel our economic growth.

‘‘A true American patriot who was concerned about U.S. security, Senator Stevens was determined that we maintain the ability to stand alone, if necessary, against the international forces of evil that plot our destruction. When it came to national defense, Ted Stevens demonstrated his commitment at an early age, long before his days in the Senate. I once heard Ted refer to the men and women of today’s Armed Forces as ‘‘the next greatest generation’’ and he was right there with them.

At 19 years of age, he enlisted in the Army Air Corps, during one of the darkest periods in American history. Having seen combat, Ted Stevens knew the price of freedom, and he saw that in the courageous men and women who ably serving now.

Retired Air Force COL Walter J. Boyne wrote a tribute to Senator Stevens that appeared in the Washington Post on August 11. I will quote excerpts from Colonel Boyne’s memorable piece:

At age 20, Lt. Stevens flew twin-engine transports ‘‘over the Hump,’’ carrying vital supplies from bases in India to the Chinese armies resisting Japan. On these often-unaccompanied missions he had crossed the Himalayas; in Asia, the mountains were higher than in Alaska, the weather worse, and there was always the threat of a Japanese fighter plane showing up to dispute the passage.

Boyne continues:

Young Lt. Stevens was probably disappointed to find himself in the cockpit of a transport plane. He had completed flying school at Douglas, Ariz., earning his wings in May 1944, and probably expected to be assigned to Lockheed P-38 fighters. The urgent requirement for transports dictated otherwise, however, and he was assigned to the 322nd Troop Carrier Squadron, part of the 14th Air Force commanded by Gen. Claire Chennault.

Boyne writes:

While the route over the Himalayas demanded piloting skills and courage, Stevens also flew many missions within the interior of China, some going behind Japanese lines, bringing supplies in direct support of Chinese troops.

For his service, Stevens received two Distinguished Flying Crosses, which Boyne points out ‘‘can be awarded to any member of the U.S. armed forces who distinguishes him or herself by heroism or extraordinary achievement while participating in aerial flight.’’

I ask unanimous consent that the entire article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The Washington Post, Aug. 11, 2010]

TED STEVENS: A Flier Who Faced the Risks

(By Walter J. Boyne)

The crash of a famed ‘‘bush’’ aircraft, the de Havilland DHC-3T Otter, near Aleknagik, Alaska, that killed former U.S. senator Ted Stevens, 86, on Monday brought to a close a life filled with the dangers of flying. Before Stevens began the career in elected politics that culminated in 40 years in the Senate, he left college to serve in the U.S. Army Air Corps in World War II. And in 1978, Stevens survived the crash of a Learjet at the Anchorage airport in which his wife, Ann, was killed.

Stevens had long accepted the hazards of flight in Alaska as being part of the political scene. Doubtless he was one of the few people who could fly over the state’s rugged terrain with some confidence. He had often flown over far more hostile territory during World War II.

At age 20, Lt. Stevens flew twin-engine transports ‘‘over the Hump,’’ carrying vital supplies from bases in India to the Chinese armies resisting Japan. On these often-unaccompanied missions he had crossed the Himalayas; in Asia, the mountains were higher than in Alaska, the weather worse, and there was always the threat of a Japanese fighter plane showing up to dispute the passage. For his dedication and heroism flying the Hump and other flights behind Japanese lines, Stevens was awarded the fourth-highest federal medal, the Distinguished Flying Cross (DFC).

The ‘‘Hump’’ route had a more sinister nickname: the ‘‘Aluminum Trail,’’ for all the aircraft wreckage that glinted brightly when the sun made its rare appearances. American pilots began flying the 530-mile route in 1942, taking off from bases in India and Burma. In October that year, all of the transport units operating in the theater were brought into the 10th Air Force, by direct order of Gen. Henry H. Arnold, chief of staff of the U.S. Army Air Forces.

The Douglas C-47 aircraft that were initially used strained to reach and maintain the altitudes necessary to clear the Himalayas. When the powerful Curtiss C-46 was introduced to the 322nd in September 1944, it
allowed slightly more margin for error. Yet the route took its toll: At least 600 aircraft and more than 1,000 lives were lost in the three years it was used. In 1945, airlift needs ended along Alaska Road, from Chicago, India, to Kunming, China, was reopened.

Young Lt. Stevens was probably dis- appointed to find the cockpit in the cockpit of a transport plane. He had completed flying school at Douglas, Ariz., earning his wings by May 1941, and probably expected to be as- signed to northwest F6 fighters. The urgent requirement for transports dictated other- wise, however, and he was assigned to the 32nd Troop Carrier Squadron, now part of the 15th Air Force commanded by Gen. Claire Chennault.

The unit was based primarily at Kunming, the original home of Chennault's famous American Volunteer Group, the Flying Ti- gers. The 32nd was equipped with the C-47 “Skytrain,” which came to be known as the “Gooney Bird.” The C-47 had been derived from the revolutionary Douglas DC-3 trans- port and was used by the armed services until the 1970s.

In September 1944, Stevens later recalled, he transitioned into the C-46, which after initial (and too often fatal) troubles with its Curtiss Electric propellers, turned into an aerial workhorse that substantially in- creased the capacity of the 32nd to move supplies.

While the route over the Himalayas de- manding plotting skill and endurance, Stev- ens also flew many missions within the in- terior of China, some going behind Japanese lines, bringing supplies in direct support of Chinese troops. Stevens often had to land at tiny camouflage airports, some with primitive crushed-stone runways that were nar- rower than the wingspan of his plane. He flew throughout Indochina, over what is now Laos, Cambodia and Vietnam, and even made flights into Mongolia. The 32nd was also tasked with bringing vital supplies to the small American fighter bases that had sprung up far from road or rail traffic.

On one 1945 trip to Beijing (then Peking), Stevens encountered bad weather, and there was no local ground control to assist him. He improvised a non-precision approach using the local radio station and his plane's radio direction equipment. After the war, he re- turned to the U.S. and found that the approach he had devised was still being used.

The Distinguished Flying Cross, first awarded to Charles Lindbergh, can be awarded to any member of the U.S. armed forces who distinguishes him or herself by “heroism or extraordinary achievement while serving in aerial flight.” Stevens was also awarded the Air Medal and the Yuan Hai medal by the Chinese National- ist government, he surely must have been must proud of his DFC.

Mr. WICKER. Only 3 years before Senator Stevens earned his wings, Pilot Officer John Gillespie Magee, Jr., of the Royal Canadian Air Force com- posed a poem after being struck by the sheer wonder of flying a test flight at 30,000 feet. This poem was sent home to John Magee's parents just a few days before his death. It is entitled “High Flight.”

I will close with those words in re- memberance of an American hero, Sen- ator Ted Stevens:

“You have not dreamed of—wheeled and soared and swung
“High in the sunlit silence. Hov'ring there
“I've chased the shouting wind along, and flung
“My eager craft through footless halls of air.
“Up, up the long delirious, burning blue
“I've topped the windseweds heights with ease
“Where never lark, or even eagle flew—
“And, while with silent lifting mind I've trod
“The high untrespassed sanctity of space.
“Put out my hand and touched the face of God.”

On August 9, 2010, Ted Stevens slipped the bonds of Earth one final time. He died, literally and fig- uratively, with his boots on, among friends, enjoying the rugged and dan- gerous beauty of nature and of the State of loved. We will miss his leadership and his friendship and the Nation will long be indebted to him for his lifetime of service.

Mr. REID. Mr. President, Ted Stev- ens was dedicated to his State as anyone to ever serve in this body. From his fight for Alaska's statehood to the four decades he represented that State in the U.S. Senate, he never for- got where he came from or who elected him.

Although he set the record as the longest-serving Republican Senator in American history, his legacy is not measured by his longevity but by the indelible impact he had on Alaska. He made much of that impact during his tenure on the Appropriations Committee, and I learned a lot from working with him there. He once gave me a necklace with a picture of “The In- credible Hulk” on it as a token of his appreciation for my work on an appro- priations bill. It was his unique way of saying “thank you,” and it meant a lot to me. I still have that tie.

Public service was more than a ca- reer for Senator Stevens; it was his life's calling. He served his country from halfway around the globe, fight- ing with the Flying Tigers in World War II, and served his State from clear across the continent when he came to the U.S. Senate. But no matter how far away from home, he always kept it close to his heart.

Senator Stevens loved flying, loved the outdoors, and loved his State. He died doing what he loved, and his foot- print will forever be visible across the Last Frontier.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk read as follows:

Mr. GRASSLEY. Mr. President, in a few minutes, the Senate will be voting on the motion to invoke cloture on the motion to proceed to a bill that has been mislabeled the “Creating American Jobs and Ending Offshoring Act.”

There are obviously many reasons having to do with tax policy. But the sponsors of this bill don’t seem to un- derstand that fact, that American
manufacturing ought to be competitive with overseas competition or, obviously, we are going to lose business and lose jobs in the process or perhaps the bill’s sponsors would admit that curbing tax avoidance is not the point. Perhaps they would instead claim it is all about an effort to create American jobs.

That would be a very good goal, but it is unlikely to create jobs. I fear it would have the opposite effect. The bill may lead to fewer headquarters jobs in the United States, of a corporation, for uncompetitive reasons, decided to move totally offshore and take those headquarters jobs with them. The bill could lead to a loss of American jobs assembling finished products from parts assembled outside the United States.

In the words of the late Senator Moynihan, who was, for a long time, chairman of the Senate Finance Committee, in speaking in opposition to this very same proposal 14 years ago:

Investment abroad that is not tax driven is good for the United States.

In other words, what he is saying there is, if there is investment abroad but it is not solely to avoid U.S. taxation but has economic substance behind it, that is good for the United States.

He did not say this. Contrariwise, if there is money offshore simply to avoid U.S. taxation, then obviously that is wrong. As an example, Senator Baucus and I have been involved in the Stanley Corporation doing that 6, 7 years ago, and we plugged those loopholes.

I agree with Senator Baucus when he was recently quoted as to this bill saying:

I think it puts the United States at a competitive disadvantage. That’s why I’m concerned.

If there is any doubt about whether I agree with that statement of Senator Baucus, the Democratic leader of our committee, I agree with Senator Baucus.

In addition, there are procedural defects concerning this bill. I wish to start this part of my remarks by relying on a statement Senator Reid said to me privately—he might deny he made this statement, but soon after the 2006 election, when the Senate became a Democratic majority rather than a Republican majority, he said something like this to me: You and Senator Nike work so well together. I want you to know I am going to let the committees continue to function as they always have, particularly in your case because you have such a close working relationship.

With that as background, things have changed very recently so that every bill seems to be written in Senator Reid’s office, not in committee.

This bill before us has not been veted by the Finance Committee. Does anyone believe that if my friend the chairman were to put this bill before the Finance Committee, it would be approved in the form it is right now? If the idea in this bill had the kinds of merits claimed by their proponents, then they should welcome the Finance Committee reviewing it. Let members ask questions as they review the language. Test the strength of ideas through the process.

The Democratic leadership has short-circuited the opportunity to methodically test the bill as good tax policy. Unfortunately, this process defect has been more the rule than the exception. Since the stimulus bill in January of 2009, the Finance Committee has only marked up one tax policy bill, and that was the health care reform bill.

My sense is the Democratic leadership simply does not want this bill to undergo scrutiny of a regular-order process—in other words, the way the Senate normally does business. This bill is presented as a “take it or leave it” proposition. Republicans are not supporting cloture because they are not being offered the opportunity to amend the amendments that go to the supposed purposes of the bill. No amendments are allowed on any tax incentives for job creation. No amendments are allowed on measures to prevent offshoring of jobs. In other words, the bipartisan body of the Finance Committee is not being held accountable for a bicameral Congress—and, obviously, the House is not a deliberative body—the purpose of this body is being neutered by the procedure this bill is going through. For instance, I have amendments with my colleagues with the purpose of preventing offshoring of jobs. They are bipartisan amendments. But if I vote for cloture, I have no assurance from the Democratic leadership that these amendments will be in order. I will describe these amendments.

The first amendment mirrors a bill the junior Senator from Vermont and I have coauthored. It is the Employ America Act. It would prevent any companies engaged in the mass layoffs to avoid U.S. taxation by importing cheaper labor from abroad through temporary guest worker programs if they lay somebody off.

The second amendment I filed today mirrors a bill the senior Senator from Illinois, a Democrat, and I have worked on for several years. It is the H–1B and L–1 Visa Reform Act of 2009. It would improve two key visa provisions while rooting out abuse while making sure Americans have the first chance of obtaining high-skilled jobs in this country.

Many Americans are unemployed. Yet we still allow companies to import thousands of foreign workers. These businesses should be asked to look first at Americans to fill those jobs, and they should be held accountable for displacing Americans to hire cheaper foreign labor.

These two amendments go directly to the concerns about job creation and the prevention of offshoring of U.S. jobs. Both amendments are bipartisan. Yet if cloture is invoked, these amendments would fall on the Senate cutting room floor.

Furthermore, I have no confidence, even if the Democratic leadership were to follow regular order for floor purposes, that we could expect anything like a conference committee to work out the issues between the House and this bill through the process.

In sum, the bill’s substance would more likely lead to an increase in offshoring of American jobs and would make American companies less globally competitive. The bill’s procedure is very irregular and not in the thoughtful traditions that so dignify the Senate.

For purposes of the contents of the amendments, as well as this procedure, I ask that we vote against this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator’s time has expired.

The Senator from Michigan is recognized.

Mr. STABENOW. Mr. President, I rise today asking that we vote to proceed to this measure so that we can have a full discussion and debate and work on the issues that are so important to middle-class families related to incentives for jobs being shipped overseas versus incentives to have jobs in America.

I agree with my distinguished colleague from Iowa—we have worked together on many issues—that there is a larger set of issues. It is very important that in the next Congress, we focus on comprehensive tax reform. Permanently extending the research and development tax credit, as the President has proposed, which I strongly support, is very important to us for long-term innovation and the ability to invest in America. I believe it is important to have fair trade agreements, agreements that are enforced. When we look at a country such as South Korea, where our manufacturers have been blocked from selling into South Korea, where automakers have been at a disadvantage, we need to make sure those issues are fixed before that trade agreement or any trade agreement moves forward.

There are many issues on which we need to focus under the whole commitment that we want to export products, not jobs.

I will talk about specifically what is in this bill, this piece of it, because this goes to the question of whether, in Michigan or in any State, if there is a decision made to close operations and take it to another country, lay off people in Michigan and move those jobs overseas, whether the workers, their families, Americans should subsidize that through a tax system that provides that you can take a deduction, a loss, or a credit for amounts paid in connection with reducing or ending an operation in America if you are starting the same kind of operation overseas—in other words, shipping your jobs overseas. Right now, you shut down your plant, you pay for it, you get tax deductions for what it costs you to shut down the operation and start it up somewhere else. To add insult to injury, we have
workers training folks to take their place. We heard over and over what a challenging, humiliating, angering situation that is for too many of our workers.

The question is, on this policy, knowing that there is much more that needs to be done, which I support—and I do support looking at the entire tax system and how we are competing in a global economy and making sure our businesses in America have every advantage, every opportunity to compete successfully. But the question is, the single question on this vote that is coming up very shortly is whether we are going to allow companies that shut down operations and start similar operations abroad to write off their American taxes, whether the same people who are losing their jobs are going to have to help pay for the jobs going overseas. That is No. 1. We say no. We say that as a basic premise, that is wrong.

No. 2, the question is whether we should end Federal tax subsidies that reward firms that move their production overseas under something called deferral. This bill says no.

No. 3, the question is whether we are going to provide incentives—among many incentives we have and need to have—whether we will say: If in the next 3 years you as a company choose to bring back jobs from overseas and hire Americans, we want to provide an incentive by giving a 24-month, a 2-year payroll tax holiday for those workers—if you are bringing jobs back from overseas. That is simply what this is. It is not everything, but it is a very important piece of the puzzle. That is what this is all about.

For me, this is a fight about whether we are going to make products in America. If we make a commitment, as we have begun to do through the Recovery Act, through the advanced manufacturing tax credit, through the focus on manufacturing that has begun to get business moving again, we are going to have the ability to make it in America. And when we make it in America, we are going to make a lot of it in Michigan. The reason I am very committed to strengthening our manufacturing base is because I know that is going to strengthen Michigan because we have the engineers, we have the skills, we have the manufacturing know-how, we have the innovation and the ingenuity. If we make it in America, we are going to be making a lot of that in Michigan.

We are committed more broadly to doing that. We cannot have a middle class if we do not make products. If we do not make products and grow products and add value to it as a country, we will not have a middle class. The reason we are losing our middle class is because there has been in the last decade more outsourcing in how cheaply we can buy something rather than where it is made. Every other country has understood that it matters where it is made. China thinks it matters where it is made. Germany, Brazil, Japan—go around the globe. They look at us. They look at what created the middle class of this country. They do many incentives in manufacturing. They are putting in place their own barriers—and China, of course, wins the prize on this—to keep our companies out, to say, you have to make it in China, so they have to create these new loopholes if you turn over your technology, and so on.

This bill is part of our effort to say that we are committed to fight for America, American businesses, American workers. This is not about punishing folks. It is about doing that. We have the engineers, we have the skills to do it. We want to make it in America and this bill sends the right incentives and closing the loopholes in the law that ship our jobs overseas.

We have lost over 4.7 million manufacturing jobs in the last decade. We can debate the Reagan Administration and the incentives that caused job loss and too many of those in my State of Michigan. We know that if we focus on making products in America, we will bring those jobs back; that if we can create incentives, we will bring jobs back. One example, and then I will close—I see my colleague from Ohio is here. I was pleased to author on tooling older plants to help businesses get retooling loans—caused Ford Motor Company to bring jobs back from Mexico to Wayne, MI. The jobs came back because of the incentives. It is about the right kinds of incentives and closing the wrong kinds of incentives.

I ask our colleagues to give us the opportunity to get to this bill, to work together to stop the shipping of jobs overseas, and give us the opportunity to make it in America again.

Mr. BROWN of Ohio. Mr. President, will the Senator from Michigan yield?

Ms. STABENOW. Yes, I will be happy to.

Mr. BROWN of Ohio. Mr. President, I thank the Senator from Michigan for her work on this legislation—she was here late in the evening yesterday—and the effort she has put forward.

It was 10 years ago this month that the Senate passed permanent normal trade relations with China. Initially, that was called most-favored-nation status, as Senator STABENOW remembers. They dressed it up, cleaned it up, put lipstick on the pig, and decided they should call it something else. We know what it has done to our country.

We had a trade deficit with China in the last decade, and then sell back their product to the United States. Never before have large numbers of businesses and industries done that, to my knowledge. Now we are seeing what damage it has caused to the middle class. We see the middle class of this country. They look at what tax laws and trade laws have done, and I think legislation will begin to fix the tax laws. Look at what tax laws and trade laws have done to the middle class, to our manufacturing base in Toledo, OH, and Monroe, MI, and points north and south of there. It has all been based on this sort of cynical business plan. Not since colonial times have we seen the world where a company—an industry—will close their manufacturing in our country, they will move their production line and build factories in another country and then sell their products to the United States. Never before have large numbers of businesses and industries done that, to my knowledge. Now we are seeing what damage it has caused to the middle class. We see the middle class of this country. They look at what tax laws and trade laws have done, and I think legislation will begin to fix the trade laws.

Mr. LEAHY. Mr. President, I strongly support the Creating American Jobs and Ending Offshoring Act. These clearly justified reforms will close wasteful tax loopholes for firms that move overseas and give real incentives for firms to bring jobs back to the United States. I am proud to join Senators DICK DURBIN, HARRY REID, BYRON DORGAN, BARBARA BOXER, CHUCK SCHUMER, SHERROD BROWN, and SHELTON WHITETHOUSE in cosponsoring this bill.

For the past two decades our country has witnessed a disturbing trend towards outsourcing American jobs abroad. What began as a way for domestic manufacturing and labor costs has blown into a full-fledged sprint by some U.S. manufacturing and service companies to move as much production offshore as possible.

The devastating effects of global offshoring have hit large manufacturing States like Ohio, Michigan, Indiana, and California with particular hurt, but smaller States like Vermont are not immune to the global realities of corporate outsourcing and consolidation. Unfortunately, there is quite a lot of evidence that we have either lost our State or gone out of business entirely because they moved jobs overseas or were squeezed...
out of the market by competitors using cheap, foreign labor.

That is why the Senate must move forward with considering the Creating American Jobs and Ending Offshoring Act.

First, the bill will eliminate the perverse tax subsidies that U.S. taxpayers provide to firms that move facilities offshore. Specifically, it prohibits a firm from taking any deduction, loss, or credit for amounts paid in connection with ending or the operation of a trade or business in the United States and starting or expanding a similar trade or business overseas.

Second, the bill will close the tax loophole that rewards U.S. firms that move their production overseas and then turn around and import those now foreign-made products back to the United States for sale. Not only will this help keep good manufacturing jobs here at home, it will save American taxpayers $5 billion in revenue over the next decade.

Finally, to encourage businesses to create jobs in the United States, the bill will provide businesses with payroll tax relief for each new job that they create here at home.

During these trying economic times, too many Vermonter are struggling to find goods jobs and pay their bills. The economic collapse came swiftly, and we have all seen that there are no quick fixes and our economic troubles. We staved off greater economic disaster with an essential economic rescue plan, and we have tried to jump-start the economy with a bold economic recovery plan. But employ-ment opportunities here at home are hampered when employers push more and more jobs overseas.

Last year, Congress helped lay the groundwork for a renewed and vibrant economy by enacting tax relief for working families and businesses and making needed investments in broadband deployment, job training, electrical smart grids, water and transportation infrastructure, better schools, housing, first responders, and new energy sources. We need to ensure that these important investments by U.S. taxpayers benefit businesses and workers here at home.

Mr. LEVIN. Mr. President, the American people understand a simple truth: Our Tax Code should not encourage U.S. companies to send their jobs overseas. That is why we have proposed the Creating American Jobs and Ending Offshoring Act. This legislation would take important steps to prevent American firms from losing their jobs be-cause American companies get tax breaks when they move jobs overseas.

I thank Senators REID, DURBIN, SCHUMER, and DORGAN for introducing this legislation. It would eliminate tax de-ductions that corporations claim for expenses related to sending U.S. jobs overseas. It would end the tax breaks companies receive on income earned by foreign subsidiaries established to do work they once did with American workers. And in a bid to turn around the twisted incentives in our 'Tax Code, incentives that now encourage compa-nies to send jobs overseas, it would pro-vide incentives for companies to bring those jobs home.

I understand some of my colleagues oppose this legislation because they fear it might violate our treaty obliga-tions. It is difficult to have sympathy for this position, given the thousands of U.S. jobs lost because our trading partners fail to live up to their treaty obliga-tions. I am in favor of trade, but I strongly oppose unilateral disar-mament when it comes to trade. It is our obligation to defend the interests of U.S. workers. Ending the tax incen-tives that cost thousands of those workers their jobs is one way we can fulfill that obligation.

U.S. companies that do the right thing by their U.S. workers should not be at a disadvantage over those compa-nies that ship jobs overseas. U.S. tax law should not encourage companies to hire hard-working Americans. We should pass this legislation and end the distorted incentives that are costing Americans their jobs.

Mr. GRASSLEY. Mr. President, very soon, the Senate will be asked to vote on the motion to invoke cloture on the majority leader's motion to proceed to a bill that is mislabeled the "Creating American Jobs and Ending Offshoring Act."

The process for this bill illustrates how the Democratic leadership has dumbed down any efforts to seriously legislate any tax policy issues. To show how far, as a body, we have run off the rails in legislating, let's compare the legislative track record of this bill to the last major piece of tax legislation designed to deal with domestic job creation.

I am referring to the bill that responded to a World Trade Organization ruling against a domestic manufacturing benefit known, at that time, as the foreign sales corporation or FSC program. Dangerous tariffs were pending with respect to many American products. How was that legislation handled?

First of all, the Finance Committee members and staff engaged in a lot of due diligence in drafting the replacement regime, the domestic manufacturing deduction. On a bipartisan basis, Finance Committee staff, principally the tax and trade staffs, met with the interested parties, including officials from the litigating group, the European Union.

Finance Committee staff, Republican and Democrat, negotiated a bill that took the revenue generated from repealing the FSC benefit, added revenue from shutting down tax shelters like the so-called SLLO/ILLO schemes, and channeled that revenue back into a new broad-based domestic manufacturing incentive. That incentive is a 9 percent deduction for domestic manufacturing activity. It is a substantial

tax incentive. The Joint Committee on Taxation estimates it is worth $10 billion annually in terms of reduced taxes to domestic manufacturers, large and small. The chairman's mark was a joint mark between my friend, then-Democratic member, MAX BAUCUS, and me.

Ranking Member BAUCUS and I came up with a bill title. It was the Jump Start Our Business Strength or JOBS bill. The bill went through the usual transparent Finance Committee mark-up process. Over several days, Finance Committee members reviewed the language, asked questions, and prepared and filed amendments. When I gavled the committee to order, several amend-ments were debated. Some were de-feated. Some were modified and accept-ed. Others were discussed and with-drawn. Every Finance Committee member played a role in shaping the bill. It took three cloture votes to proceed when it should be noted the only dissents were two members on the then majority side.

When the bipartisan JOBS bill was scheduled for cloture, then majority leader Bill Frist brought up the Finance Committee bill. Both my friend, Senator BAUCUS, and I were consulted on the floor bill's contents. At that time the Democratic leadership filibusted efforts to effectively process the bill. Keep in mind there was no dissent in the Finance Committee on the substance of the bill on the Democratic side. As I said before, two members of my leadership, on very principled grounds, voted against this legislation. I think the Democratic leadership filibustered efforts to effectively process the JOBS bill. Despite opposing the bill in committee, those two members supported the majority leader's efforts to bring the time-sensitive legislation to the floor and process it in a timely fashion. The bill took three cloture votes to proceed it the JOBS bill. That is right. Three close-ture votes. The basis for the multiple filibusters of the JOBS bill was not opposition to material in the bill. The Democratic leadership filibustered over issues not in the bill but wanted to offer as amendments. The Repub-lican leadership did something we seldom, if ever, see from the Democratic leadership. Majority Leader Frist yielded by allowing votes on those issues, which were not in the bill, but controversial with many in the Repub-lican Conference. Many votes were held on the JOBS bill. Some were designed by those close to the Democratic cam-paign operation solely to score political points. The bipartisan Confer-ence, as the majority party at the time, recognized multiple votes were the price to pay to push part of the majority's agenda.

If that agenda consisted of doing the people's business by pro cessing a bill with more support on the other side.

The conference committee that considered the JOBS bill was fully open. There was a chairman's mark and several days of amendments between the House and Senate. In the end, a conference report was produced that...
garnered a majority of Senate conference signatures from each side. The conference report passed with overwhelming bipartisan support.

Compare that JOBS bill process with the one for this bill which, as I said at the start of my remarks, is a jobs bill in name only. In the Senate, I have found over the years, that legislative substance and legislative process are symbiotic.

This is, the quality of the process often affects the quality of the substance and vice versa.

Here we are debating a bill whose proponents claim will make a material difference with job creation incentives. We are told that this bill will materially curtail the offshoring of U.S. jobs. If it were only that simple, I am sure the bill would pass with the overwhelming bipartisan margin the JOBS bill did some 6 years ago.

I have discussed the defects in the bill before the Senate. I will not do it again here. But I will say this: Does anybody on the other side really believe if my friend, the chairman, this bill before the Finance Committee that it would be approved in the form that is before the body today? I can tell you this Senator has several amendments that he thinks would improve this bill dramatically.

I would expect those amendments might pass with bipartisan support. This bill, like so many others, was crafted in the majority leader’s office and is largely the singular work of two senior members of his leadership. That is not the way legislation should be crafted. This bill before the Finance Committee that it would be approved in the form that is before the body today? I can tell you this Senator has several amendments that he thinks would improve this bill dramatically.

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The Democratic leadership skipped the Finance Committee. The amendment process. If the proponents answer by blaming partisan leadership that these amendments would fall on the Senate cutting room floor.

Both amendments are bipartisan. Yet if cloture is invoked, these amendments would fall on the Senate cutting room floor.

Unlike the 2004 JOBS bill, I have no confidence that, even if the Democratic leadership were to follow regular order for floor purposes, that we could expect anything like a conference committee to work out the issues between the House and the Senate.

We find ourselves in a very disappointing situation today. Two serious issues are supposed to be addressed in the legislation before the Senate: The first is tax incentives for job creation; the second is measures to prevent offshoring of jobs. No doubt the恶魔全神国外劳。No doubt the恶魔全神国外劳。恶魔全神国外劳。

The Democratic leadership skipped the Finance Committee, and we are presented with a take-it-or-leave-it bill that is really nothing more than a political game. We can do better.

The PRESIDING OFFICER. All time for debate has expired. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

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The PRESIDING OFFICER. All time for debate has expired. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.
The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 3816, a bill to amend the Internal Revenue Code of 1986 to create American jobs and to prevent the offshoring of such jobs overseas shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Arkansas (Mrs. LINCOLN), is necessarily absent.

Mr. KYL. The following Senator is necessarily absent, the Senator from Alaska (Ms. MURKOWSKI).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 53, nays 45, as follows:

- Akaka
- Bayh
- Begich
- Bennet
- Bingaman
- Boxer
- Brown (OH)
- Burr
- Cantwell
- Cardin
- Carper
- Casey
- Conrad
- Dodd
- Dorgan
- Durbin
- Feingold
- Feinstein
- Frist
- Burr
- Bunning
- Chambliss
- Coburn
- Cochran
- Collins
- Corker
- Cornyn
- Lincoln

YEAS—53

- Akaka
- Bayh
- Begich
- Bennet
- Bingaman
- Boxer
- Brown (OH)
- Burr
- Cantwell
- Cardin
- Carper
- Casey
- Conrad
- Dodd
- Dorgan
- Durbin
- Feingold
- Feinstein
- Frist

NAYS—45

- Alexander
- Barrasso
- Baucus
- Bennett
- Bond
- Brown (MA)
- Brownback
- Burns
- Burr
- Chambliss
- Coburn
- Cochran
- Collins
- Corker
- Cornyn

NOT VOTING—2

- Lincoln

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 45. I have heard the rolls and pursuant to rule XXII, the Chair lays before the Senate the cloture motion, which the clerk will report.

The bill clerk read as follows:

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the motion to proceed to S. 3816, a bill to amend the Internal Revenue Code of 1986 to create American jobs and to prevent the offshoring of such jobs overseas shall be brought to a close.

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Arkansas (Mrs. LINCOLN), is necessarily absent.

Mr. KYL. The following Senator is necessarily absent, the Senator from Alaska (Ms. MURKOWSKI).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 53, nays 45, as follows:

- Akaka
- Bayh
- Begich
- Bennet
- Bingaman
- Boxer
- Brown (OH)
- Burr
- Cantwell
- Cardin
- Carper
- Casey
- Conrad
- Dodd
- Dorgan
- Durbin
- Feingold
- Feinstein
- Frist

NAYS—45

- Alexander
- Barrasso
- Baucus
- Bennett
- Bond
- Brown (MA)
- Brownback
- Burns
- Burr
- Chambliss
- Coburn
- Cochran
- Collins
- Corker
- Cornyn
- Daschle
- Lincoln

NOT VOTING—2

- Lincoln

DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2010—MOTION TO PROCEED

CLOTURE MOTION

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the cloture motion, which the clerk will report.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 107, H.R. 3081, the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010.

John D. Rockefeller, IV, Byron L. Dorgan, Carl Levin, Dianne Feinstein, Jack Reed, Mark R. Warner, Patrick J. Leahy, Michael F. Bennet, Barbara Boxer, Benjamin L. Cardin, Charles E. Schumer, Patty Murray, Debbie Stabenow, Robert P. Casey, Jr., Christopher Dodd, Daniel K. Akaka, Harry Reid.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 3081, the Department of State, Foreign Operations, and Related Programs Appropriations Act of 2010 shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Arkansas (Mrs. LINCOLN), is necessarily absent.

Mr. KYL. The following Senator is necessarily absent, the Senator from Alaska (Ms. MURKOWSKI).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 84, nays 14, as follows:

- Akaka
- Alexander
- Bayh
- Begich
- Bennett
- Bingaman
- Bond
- Boxer
- Brown (MA)
- Brownback
- Burr
- Chambliss
- Coburn
- Cochran
- Collins
- Corker
- Cornyn
- Lincoln

YEAS—84

- Alexander
- Baucus
- Bayh
- Begich
- Bennett
- Bingaman
- Bond
- Boxer
- Brown (MA)
- Brownback
- Burr
- Chambliss
- Coburn
- Cochran
- Collins
- Corker
- Cornyn
- Daschle
- Lincoln

NOT VOTING—2

- Lincoln

MONTFORD POINT MARINES

Mr. BURRIS. Mr. President, I take the floor today to pay tribute to a group of Americans that blazed a trail, people who helped to shape the history we share, and whose contributions deserve recognition at the highest levels.

There has been no war fought by or within the United States in which African Americans did not participate.

The war for our independence featured all-Black units in Rhode Island and Massachusetts. During the War of 1812, about one-quarter of the Navy involved in the Battle of Lake Erie was Black. Nearly 190,000 African Americans fought for freedom in the Civil War. In World War I, over 350,000 Black men served on the Western Front.

But prior to 1941, Black servicemen were denied the honor and glory that comes with uniformed service, and their contributions went largely unnoticed. The units were segregated. Black infantry divisions hardly saw the battlefield. They served our Nation with honor, but our Nation did not honor their service.

But on June 25, 1941, President Franklin Roosevelt changed all that. Executive Order 8802 prohibited racial discrimination in the Nation’s military. It was the first Federal action to promote equal opportunity in the United States.

Immediately, people of color answered the call and joined all branches of the service. Soon, the very first Black U.S. marines began training at Camp Montford Point in North Carolina. These men would become the first Black drill instructors, the first Black combat troops, and the first Black officers the Marine Corps had ever seen.

More than 19,000 Black marines served in the Second World War. Some, like SGM Edgar Huff and SGM Louis Roundtree, served in Korea and Vietnam as well. They earned decorations such as the Bronze Star, the Silver Star, and the Purple Heart.

All of the Montford Point marines sacrificed for their country, and for that they deserve our deepest gratitude. But they also did far more than sacrifice on the battlefield. They broke down barriers. Their names may not be as familiar as Washington, Jefferson or Lincoln. But their contribution to the American story deserves more than our respect. Through their actions, they changed the face of the U.S. military.
They deserve our praise and recognition. Last fall, I introduced S. 1695, a bill to award the Congressional Gold Medal to the Montford Point marines. I urge my colleagues to move forward and honor these fine men and women. Every American has benefited from their sacrifice, their bravery, and their leadership. And every American should learn from their fine example.

Unforgiving time is not on our side. Every day, approximately 90 brave American souls who served in World War II pass away. We should honor our greatest generation while we have the chance to look them in the eye and thank them.

Since the day a few brave men began their training at Camp Montford Point more than half a century ago, the U.S. Marine Corps has been transformed into a stronger, more diverse fighting force. The story of the Montford Point marines represents what is best about this Nation’s history. Theirs is a proud chapter in the continuing American story.

As I address this Chamber today, I am surrounded by the towering memorials to our Founding Fathers, and the memorials to those who have fought and died so that we might live free. It is time to make the Montford Point marines a part of that immortal history—to award them the prestigious Congressional Gold Medal.

I ask that my colleagues join with me in celebrating these American heroes. We need to do it before it is too late, and we will not have any of them to look into the eye and tell them: Thanks for your service. Thanks for standing up against some of the toughest situations on the battlefield but even tougher situations as Blacks on the homefront.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I commend my friend, the Senator from Illinois, for his comments, and I associate myself with his effort. This is recognition that is long overdue. I am pleased to support his efforts in this area. It is a part of American history that has not received appropriate recognition, these individuals’ service to and in defense of our country. I believe strongly that we need to take action on this, as the clock is ticking on these individuals, as they get advanced in age, is ticking.

The Senator from Illinois will be leaving this Chamber at the end of this year. He and I came in together, as did the Senator from New Mexico. It has been a great honor of mine to serve with him. I consider Senator Burrus a dear friend. I know there will be time for a more formal process, but I simply wish to say on this matter and countless others over the 2 years we have served together, it has been a real pleasure to serve as a partner in this Chamber—other opportunities for us to serve and work together for many years to come.

(Mr. BURRIS assumed the chair.)

(remarks of Mr. WARNER pertaining to the introduction of S. 3853 are located in today’s RECORD under “Statements on Introduced Bills and Joint Resolutions”)

Mr. WARNER. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. CASEY. Mr. President, I commend the work of my colleague from Virginia, Senator WARNER, on a very important set of challenges we have.

I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AFGHANISTAN AND PAKISTAN

Mr. CASEY. Mr. President, the conflict in Afghanistan enters its ninth year next month. Over the past few months, the United States has experienced the most casualties since the war began. Nearly 2,000 U.S. troops were killed; in July, 66; in the month of August, 55 service members gave their lives.

We always recall the words of Lincoln when we recall those who are killed in action, those who gave, as he decreed, the last full measure of devotion to their country. These are difficult days, and that is an understatement—very difficult days for the American people and especially for the families and the troops. I also believe these are days that have tried the patience of Americans and tested the resolve of our commitment to this conflict.

At a minimum, we—when I say “we,” I mean those Members of the U.S. Congress—we owe the families of these service members every assurance that their elected officials, their elected representatives in Washington are vigilantly exercising oversight of the war. We also owe it to them that we ask and demand answers to very tough questions. And, finally, that we are doing everything we can to make sure we get this policy and this strategy that goes with it right.

Since I last spoke on the floor on the issue of Afghanistan, there have been many important developments with respect to the war. First, we have been confronted with new revelations of corruption by the Afghan Government—more about that in a moment—second, reports of ballot box stuffing and voter intimidation by the Taliban; third, I support the preliminary elections earlier this month have raised long-held doubts by the Afghan people as to the durability of the country’s democratic experiment. The number of IED attacks has increased, and while deaths due to the IEDs are, in fact, down, the number of injuries is, unfortunately, up. ISAF has also begun operations in Kandahar. We saw a story about this yesterday. This is notable because this is reportedly the first operation to be primarily made up of Afghan troops.

I wish to spend a couple moments today to draw attention to the international response to the floods in Pakistan. The United States has played an important leading role. We were the first, and with the most assistance, of any country. While this may be the case, we also have a responsibility to encourage generosity from the public and private sectors in the international community.

I mentioned before the issue of corruption in Afghanistan. This issue has nationwide implications and could serve to undermine the total success of our efforts in Afghanistan. There are serious progress is made, support for U.S. engagement in Afghanistan will be seriously eroded.

As a former auditor general of Pennsylvania, I oversaw the auditing of government programs at the State level, I perhaps have a heightened sensitivity to the vital role transparency and accountability have in government—in any government. The importance of these basic elements of a representative democracy is especially compelling when the lives of courageous Americans, ISAF, and Afghan forces are, indeed, on the line.

Just yesterday, the Wall Street Journal reported that there is a U.S. criminal investigation into President Karzai’s older brother Mahmood, and prosecutors are trying to determine whether they can bring charges of tax evasion, racketeering, or extortion against him. Reportedly, he will travel to the United States this week to amend his tax returns. But these are serious allegations that we read about time after time. I have spoken and many in this Chamber have spoken about the allegations of corruption against Ahmed Wali Karzai, who has been implicated in local corruption schemes. These are allegations, they are charges, but they are charges that are very serious and potentially damaging to the overall U.S. effort in the country, as it strikes to the heart of trust in the Afghan Government. Without this trust from Afghans and from the international community, I am concerned that support for U.S. efforts in Afghanistan will erode.

On September 18, Afghans went to the polls to vote for a new parliament. It was a momentous day for Afghans—and must own the process. Afghanistan is a sovereign country and we are not there to impose things. We are not there to be the enforcers. Afghanistan must own the process. Afghanistan—Afghans—and must own the process. The United States should support the work of the Major Crimes Task Force and the Special Investigations Unit, the two U.S. investigations, but, frankly, the track record to date has been very disappointing, and unless serious progress is made, support for U.S. engagement in Afghanistan will be seriously eroded.

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for concern. On Sunday, the Afghan election officials ordered recounts in seven provinces. A government anti-fraud elections watchdog has received more than 3,500 complaints—3,500 complaints—about this election. They are concerning that up to 57 percent of these complaints could change the outcome of the vote. The Free and Fair Election Foundation of Afghanistan, the main independent Afghan observer group, observed ballot box stuffing in 290 voting sites in 28 provinces. We don't expect elections in a developing country to be perfect, especially a country that is in a war zone, but these reports are alarming, to say the least, because they indicate that not enough progress has been made over the past 9 years to create an Afghanistan in which the people resolve their own differences through politics and not violence.

Next let me move to the question of security, which is so fundamental to our strategy. I have sought to highlight the threat posed by ammonium nitrate, the fertilizer that is a key ingredient in the improvised explosive devices in Afghanistan. According to a recent report from the Joint Improvised Explosive Device Defeat Organization, known by the acronym JIEDDO, there have been 1,062 effective IED attacks against coalition forces in 2010 that killed 292 soldiers and wounded another 1,813. So while the number of deaths in the comparable period of 2009 versus 2010 may be down—indeed, it being 322 deaths in those 8 months, it is 292—
even though the number of deaths is down, the number of wounded, the number of injuries has risen dramatically in 2010.

It is essential that we highlight this threat and support U.S. and international efforts to crack down on the proliferation of dangerous chemicals such as ammonium nitrate that can be used in IEDs. I sponsored a resolution which was passed by unanimous consent—which we know is hard to do in this body these days—calling for increased focus by the Governments of Pakistan, Afghanistan, and Central Asian nations to effectively monitor and regulate the use of ammonium nitrate in Afghanistan. As we know, a lot of the inflow, a lot of the movement of this precursor chemical that is used in IEDs comes from Pakistan into Afghanistan. As a show of bipartisanship strength on this resolution, Senators KYL, SNOWE, Reid, and Levin—two Democrats, two Republicans—were original cosponsors of this resolution. I also had language inserted into the foreign operations funding bill which requires the State Department to report on its efforts to encourage Pakistan to address this ongoing problem. This is about protecting our troops from the horror of an IED attack. We must do all we can to minimize the threat to our brave men and women fighting for us in the field.

At a different level, at a strategic level, Ambassador Cameron Munter, in Operation Dragon Strike, a joint operation with Afghan forces which will look to eradicate Taliban in Kandahar. This operation could mark a crucial and critical turning point in the war, and we will be watching closely in the coming weeks to gauge the progress as it moves forward. This operation is notable as there are more Afghan troops than ISAF troops on the ground, and this is indeed an encouraging sign that the training of the Afghan National Army is beginning to reap benefits. That is a bit of good news—more good news—as it relates to the training of the Afghan Army; not such good news—in fact, some bad news—as it relates to the training of the Afghan National Police.

Let me move finally to the floods in Pakistan. I wish to draw attention to the devastating humanitarian crisis that continues to plague Pakistan after the flood. This has affected millions of Pakistanis across the country—maybe not always directly but in some way or another through displacement, death, injury—in so many ways this has adversely affected the people of Pakistan. This is the worst natural disaster in the history of the country.

To assist the people of Pakistan during this difficult time, the United States has provided more than $340 million to support immediate relief and recovery efforts. The United States has provided food, infrastructure support, and air support to transport goods and rescue thousands stranded by the floods.

These floods will require a substantial increase in international commitment of assistance. The United Nations has issued appeals, but the response from the international community has been, in a word, weak, and that might be an understatement. Private contributions have slowed to a trickle. Last week, we heard from Cameron Munter, the President's nominee to be Ambassador to Pakistan, who described at our hearing in the Foreign Relations Committee the administration's plans to bolster support for the Pakistan National Army and police so that they can eventually draw down our troops and have them take over the fight and govern their country.

Finally, on development, which I didn't speak much about today, there is the ability for the Afghans to develop the infrastructure and support they need to govern themselves, whether that is services, water and sewer, or education, and any element of the country would need to have in place so that people can live in peace and security. Finally, there are the efforts we are making to help the people of Pakistan at a time of great need. We have all kinds of important humanitarian reasons to be helpful and to show solidarity with suffering people, and we also have several security imperatives that come into play when it comes to the flood and the aftermath.

For all of these reasons, it is critically important to continue to debate and discuss and even argue about what our policy in Afghanistan should be. That is the least the Senate can do when our troops are fighting and sometime in the field to carry out this mission.

With that, I yield the floor and note the absence of a quorum.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. DURBIN. Mr. President, if you opened the newspaper over the last several weeks, you have probably noticed a large full-page advertisement that appeared almost every day. It shows, usually, a young person, and it has a caption that reads: ‘A hundred thousand working Americans don’t count? Put the brakes on the Department of Education’s gainful employment rule.’

There are a lot of photos of young people with that basic statement popping up in newspapers not only in Washington but across the United States. Others show photos of young people saying ‘I don’t count? Put the brakes on the Department of Education’s gainful employment rule.’

These ads have been hard to miss. They have been running in more than 10 newspapers on a daily basis for several weeks, at a cost of millions of dollars. Most Americans, when they look at it, are puzzled and say: What is this debate and this battle all about?

Well, many of these ads are being paid for by Corinthian Colleges, Incorporated. This is a for-profit higher education company that provides training and education after high school for young people across America—and for those who are not so young anymore. Corinthian and other for-profit colleges
are upset about a regulation that the Obama administration has proposed. Corinthian is spending millions of dollars on a barrage of ads across the United States, rather than basically taking the same money and offering it in some courses that might hurt the profits of some very wealthy corporations, especially Corinthian.

This is simple dollars and cents. They are spending millions of dollars now to persuade Congress, and perhaps some voters and opinion makers, not to enforce a rule that holds them to a standard of performance because they may lose business. If they lose business, they may lose profits. In losing profits, they think it is worth putting money into this advertising effort. They think this is worth it because if you look around you cannot miss them in Washington. I have said, half jokingly, that having served in Congress for more than 20 years, the best way I can find to meet former Members of Congress who are served with some of these proposals is to find those 20 years is to take on this issue because they have all signed up as lobbyists for these for-profit colleges. They are calling me and saying: DURBIN, guess who I am working for. It turns out the more we try to hold these colleges accountable for the students going to school there and ending up in deep in debt is a full employment bill for former Members of Congress to be lobbyists. That was not my intention.

We are spending millions of dollars on these ad campaigns, about which I have spoken to newspaper people who say: The newspaper business isn’t profitable anymore, but thank goodness these schools are buying full-page ads. So I have this sort of one-man campaign to put Americans back to work and make American newspapers more profitable. It is almost the basis for a comedy routine, except what I am talking about is not funny at all.

I am talking about some of these for-profit schools that are sinking young people deeply into debt in student loans that they can never pay off, promising courses, training, and degrees that will lead to a good job and, in fact, it leads to a dead end, where they end up with a worthless piece of paper. They don’t end up with the skills they need to get a job, but they do end up in debt, with student loans to the heavens.

I think the Department of Education is on the right track. If we are going to send literally millions, if not billions, of dollars to colleges and schools that are training those who finish high school, we should have some standards there. We should not just give them to anyone who happens to call themselves a school or calls their effort an education and training. It is right to ask these questions.

The proposed gainful employment regulation is complicated, and some changes may be made before it is all over. It is basic: For-profit colleges should not take student loan debt that they cannot afford to pay back. Luring a 19-, 20- or 21-year-old deeply into debt, when they are being promised a job they will never have, is cruel and unfair. In a lot of cases, I will bet you what students when the students default on their debts. In the meantime, the taxpayers are subsidizing this. It is our Federal tax dollars passing through Washington and out to these schools, loaned to students, paid to the colleges that are representing they have something good to offer, leaving students deeply in debt and many without a job.

This rule the Obama administration is looking at would look at debt-to-income ratios, or loan repayment rates to determine those education and training programs that are leaving students with more debt than they can realistically ever pay back. Those programs might have to print a warning label on their promotional materials or not even be able to take Federal student aid if they don’t meet certain standards. I think that is an honest approach for the students and for our need in this country to educate and train people in our workforce.

Recently, I had a hearing in Chicago, and it was on this issue. I could not get over the crowd. I expected a few people to be interested, but 450 people showed up. We had to have an overflow room in the Federal courthouse. As I walked in the court hearing, I thought there was something else important going on there beyond my hearing. It turned out the demonstrators on the sidewalk outside were there for me. So I went up to talk to them; they were two students. I spoke to were dressed in a white tunic, which chefs wear, with buttons on the side. They were carrying a sign against the gainful employment rule. I talked to them. I said: Where do you go to school? And they said: The Institute of Art of Chicago, located in the suburb of Schaumburg, Ill.

For those of us who know Chicago, the reason that name is written the way it is written is because there is a real art institute in Chicago. This school is not affiliated with it, but it is creating the impression that it may have some connection. It doesn’t. I asked the student: What are you studying? The student says: Culinary arts. I want to be a chef. I said: How long does it take? They said: 2 years. I said: How much do you pay in tuition for this course? He said: $54,000. It costs $54,000 to work in a restaurant. I said: How much will you get paid after you finish the course, when you go to work? He said: We usually start at about $10 an hour, and if I work 6 days a week or maybe more and do overtime, I might make $30,000 a year gross. I said: Do you think any of these schools know how long it will take you to pay off this debt? What is this leading to? He said: Someday I want to own a restaurant. I said: That is a great ambition, but if you start this journey $54,000 in debt, what is the likelihood you will reach your goal? He said: Well, I am going to pursue it. I think it is the thing to do.

The same culinary course is offered at the community colleges in Chicago—a 2-year course, with the same preparation, and the tuition for 2 years is $12,000 versus $54,000. This young man is going to be deeply in debt, a debt which people our age think, my goodness, that is more than my first home cost. They are going to have that facing them as they start a job that pays about $10 an hour.

That, to me, is unfair and creates an unrealistic expectation. I wish there would be a suspension, for about 6 months, of the super chef, master chef shows, so all the young people who are watching these shows will not turn to these shows and have these dreams about being the master chef of tomorrow. For many of them, it will be a dream that is never realized, although the debt the student will realize will be a nightmare. We think these schools would either have to improve the salary outcomes of their students or cut tuition costs. Either way, that is good for students.

I think the Department of Education is on the right track. If we are going to send literally millions, if not billions, of dollars to colleges and schools that are training those who finish high school, we should have some standards there. We should not just give them to anyone who happens to call themselves a school or calls their effort an education and training. It is right to ask these questions.

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The same culinary course is offered at the community colleges in Chicago—a 2-year course, with the same preparation, and the tuition for 2 years is $12,000 versus $54,000. This young man is going to be deeply in debt, a debt which people our age think, my goodness, that is more than my first home cost. They are going to have that facing them as they start a job that pays about $10 an hour.

That, to me, is unfair and creates an unrealistic expectation. I wish there would be a suspension, for about 6 months, of the super chef, master chef shows, so all the young people who are watching these shows will not turn to these shows and have these dreams about being the master chef of tomorrow. For many of them, it will be a dream that is never realized, although the debt the student will realize will be a nightmare. We think these schools would either have to improve the salary outcomes of their students or cut tuition costs. Either way, that is good for students.

But the for-profit colleges want us to believe that the idea of controlling student debt somehow hurts these students. Look at Corinthian College spending millions of dollars on these ads to stop this accountability. This company is buying full-page print advertisements, which school is owned by a company called the Apollo Group, and it is known as the University of Phoenix. The University of Phoenix has over 450,000 undergraduates enrolled. That is more than the combined undergraduate enrollment of all of the Big Ten schools—450,000-plus. They receive more Federal aid for education than any other institution in America. Next is DeVry out of Chicago—for 75 years—and I might add during these years the same money before 2006, we all conducted an investigation by our committee and come up with some very positive things to say. I hope what I am about to say is not taken to condemn every for-profit
school. I think some are doing a good job in some areas and they are valuable and should continue. The other is Kaplan University. Kaplan is owned by the Washington Post and is the biggest moneymaker in their corporation.

The problem is that many students are being encouraged to go and receive the lion's share of the revenue. They are No. 3 in terms of receiving Federal aid to education. The fourth school, incidentally, is Penn State University, finally one you would guess would be there. It is a large university with online courses. That gives us an idea of where the money is flowing from student loans and Pell grants. It is going to for-profit schools. They represent about 9 percent of all the students taking postsecondary education. They represent 25 percent of all the Federal aid to education and 43 percent of all the student loan defaults: 7 to 9 percent of the students, 43 percent of the defaults. It is an indication that we have a problem. We are shoveling money in the name of educating students into institutions which are heaping them up with debt and not providing them with training or preparation for a good-paying job.

In 2009, Corinthian—the one buying the millions of dollars in pages of advertising—had $1.3 billion in revenue, up 22 percent over the previous year, and 89 percent of the revenue for Corinthian Colleges across the United States came from the Federal Treasury, from taxpayers, in the form of Federal Pell grants and student loans. That does not include the GI Bill, Department of Labor funding or Department of Defense funding.

The company's net income—that is their profit—was $71 million. The CEO of Corinthian Colleges, buying all these ads, was paid $4.5 million in executive pay and other compensation last year. Corinthian spent, out of the money they brought in—89 percent of it from the Federal Government—$295 million in advertising and recruiting in 2009. That is 22.5 percent of the total revenue went to advertising and recruiting.

They are, by and large, a marketing operation: bring the students in, sign them up, bring in the Federal dollars; bring in more students, sign them up, bring in more Federal dollars.

Given the ad campaigns in the newspapers, the amount spent on advertising by Corinthian is likely to go up even higher.

On average, for-profit schools, which receive the lion's share of the revenue from taxpayers, spend 25 percent of their revenue on advertising and recruiting.

What do community colleges across America spend in recruiting students to come to their campuses and classrooms? Not 25 percent of the revenue, 2 percent. They are being outclassed in the marketing battle by these for-profit schools.

How are the students doing at Everest College, for example? Recently, an undercover Government Accountability Office investigator went and took a look. That investigator posed as a potential student and found that the admissions representative at Everest College misrepresented the cost and length of the program and refused to disclose the graduation rate to this so-called potential student—not surprisingly you know why? Only 15 percent of the student loans are being paid by the students who go to Everest; 85 percent of them are not paying on their loans. It shows they are getting into debt they cannot pay off.

Data from the Department of Education indicates that Corinthian, overall—in all their different colleges—has a 24 percent repayment rate. Three out of four students who go to their schools cannot pay the principal on their debt after they finish—three out of four. It is the lowest repayment rate of any publicly traded corporation in this business.

On a recent investor call, Corinthian acknowledged some campuses are at high risk and in the next few years that a majority of campuses will have 3-year default rates over 30 percent.

We cannot expect a young student fresh out of high school or someone without worldly experience to launch their career after a couple of years in a for-profit school. We cannot expect that the Federal Government is going to send its money to that school for the students, somebody in Washington is keeping an eye on the school to make sure it is the real thing. The honest answer is we are not. That is why the Obama administration thinks we should change the rules, create more oversight on these schools, make sure Federal dollars are well invested and students do not end up overwhelmed by debt.

An independent analysis predicted that the Corinthian companywide 3-year default rate may be 39 percent. Do you know what that means? Two out of five students who are enrolled in a college owned by Corinthian will default on their student loan within 3 years—40 percent of them.

That is happening despite the company's strong efforts to lower the number of defaults within the government's 3-year window. They are encouraging students to just pay interest on their debt if they cannot pay the principal so they can at least say you are paying something.

Corinthian spent $10 million over the last year to strengthen what it calls default management because they see the writing on the wall. It is indefensible that we are sending this money to the Corinthian corporation. They are heaping debt on the students and not producing an education that leads to a job.

Everett College in Illinois is doing slightly better with a default rate of 25 percent.

Corinthian also offers private loans to students who are in trouble. Listen to this. Corinthian Colleges' chief financial officer, Ken Ord, stated in a Federal 2010 investor call that they anticipate a 56- to 58-percent default rate on the private loans the school makes directly to students.

That is a 56- to 58-percent default rate on an estimated $50 million in internal student lending. Why is Corinthian willing to lend money to the students to avoid the risk altogether? Do they know these students are already defaulting on their government loans?

The company is willing to take this loss of $75 million in private student loan defaults because of 43. Martha helps students pay the Federal loans and Pell grants will keep coming in to these students, despite the fact they are in over their head in debt and have nowhere to turn.

Corinthian Colleges was sued by the State of California in 2007. The State argued it misled students about career opportunities. They reached a $6.5 million settlement in the State of California to refund tuition to former students, pay student debt cancellation, and pay civil penalties.

That was not the first time they had been in court. There have been a number of lawsuits from former students who had spent tens of thousands of dollars for useless degrees and useless certificates from Corinthian and Everest.

Recently, Corinthian and several of its executives are being sued by their own shareholders for allegedly making false and misleading statements about the company's business prospects.

Currently, Corinthian is the education opportunity students are looking for. There are certainly students who have a good experience at one or more of the Corinthian schools, but I wish to share a story that they are not featuring in their full-page ads, arguing that they should not be subject to oversight by the Department of Education.

Last year, Washington Monthly magazine told the story of a student named Martine Martine. At the age of 43, Martine decided to go back to school and pursue a career in nursing. She came across a Web site for Everest College, part of the Corinthian Colleges chain.

Martine was promised hands-on training in state-of-the-art labs and rotations at the Los Angeles Medical Center. She was worried about the $29,000 tuition but was told it would not be a problem. She was going to make $35 an hour as a nurse. When Martine filled out her paperwork, she was rushed through the process and was not told the terms of her loans, including private loans that carried double-digit interest rates.

The education did not prove to be what she had been promised. The instructors were inexperienced. The lab equipment was old and broken. Instead of the promised rotations at UCLA Medical Center, her clinical training consisted of passing out pills in a local nursing home.

Martine was unable to find a job after she graduated. Instead, she is working as a home health care aide, and she cannot pay back her student loan.
loans. She said: “I made one mistake, and I will be paying for it for the rest of my life.”

Many of these for-profit colleges argue that we need them desperately because the community college system in America is not working. Not true. Two weeks ago, I went to Olive-Harvey College, part of the community college system in Chicago. They have new leadership that is inspiring. I said: What is your capacity? They said: We are at about 50 percent of our capacity. We can absorb many more students in our community colleges.

The cost is a fraction of what these for-profit colleges charge. It is important we give to students the information about the variation in costs for education and training and what they can expect to receive. According to the Department of Education, Everest College in Skokie, IL, costs, on average, $14,000 in tuition and fees for education.

Less than 3 miles away from the Everest campus in Skokie is a school you and I both know, Mr. President—Oakton Community College. At Oakton, students can earn degrees in the same fields, same certificates for dramatically less. A certificate in medical billing, a program offered at Everest College—the private, for-profit school—for over $10,000 will cost you $1,000 at Oakton Community College, one-tenth the cost of this private school.

The Corinthian ad campaign suggests we do not think the students who are enrolled in their schools count. I disagree with them. I think they count for a lot. They count for our future. I would like to tell the students attending for-profit colleges, it is because they count that we are asking these hard questions.

I see another colleague on the floor, the Senator from Minnesota, so I will wrap up quickly and tell one thing I want students across America to know. First, the standards I wish to impose on for-profit colleges I also wish to impose on community colleges, public universities, and private universities. They should be accredited so their hours are worth taking. They should not promise a job leading from a certificate that is earned there if it is not true. They should have full disclosure to students about what it means to enter into a student loan, and they ought to have some revenue coming in other than the Federal Government.

For many of these, 75 to 90 percent of their revenue comes straight from the Federal Government. When the GAO did the undercover survey of what some of these for-profit schools are saying to students, some of these recruiters were saying to them: I am a recruiter, but I just finished college, and I have a big debt I will never pay back. I am going to have a good job and make a lot of money, so it is OK.

Do you know what happens when you default on a student loan in America? It is time we tell students what they get into if they get in over their heads with a worthless education. Your loan will be turned over to a collection agency and they may charge 25 percent more to collect what you owe. But this last week, I went to Olive-Harvey College, part of the community college system in Chicago. They have new leadership that is inspiring. I said: What is your capacity? They said: We owe on a student loan.

Your wages can be garnished; that is, they can take it right out of your paycheck. Your tax refunds can be intercepted by the Federal Government if you still owe on a student loan. Your Social Security benefits ultimately will be withheld if you end up in debt at that point in life from a student loan.

Your defaulted student loan will be reported to a credit bureau and will remain on your credit history for 7 years, even after it is paid. That means you may not be able to buy a car, a house or take out a credit card. It might be you cannot get a job because of your credit history. You cannot take out more student loans or receive Pell grants to go back to school.

You are no longer eligible for HUD or VA loans. You could be barred from the Armed Forces and might be denied some jobs in the Federal Government. I might also add, most student loans are not dischargeable in bankruptcy. When the bottom falls out and you go to bankruptcy court, that is the one that will still be hanging over you when you walk out of that court process.

We have to be honest with students across America and let them know what they are getting into when they get into student loans. I borrowed money. I went to a good school. I think it paid off for me. It was an important decision. I was not misled about my education. I knew what it would get, and I was willing to risk the debt to reach that goal, and it worked. That is a good thing.

For those who are misleading students and burying them deeply in debt, I can tell them the time of accountability has arrived. The Federal Government is going to keep its obligations to the students across America to help them with education, but these schools have an obligation to their students to be honest with them, to be accredited, and to produce training and education that leads to a good-paying job.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. FRANKEN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE RECOVERY ACT

Mr. FRANKEN. Mr. President, I rise to discuss something I regret. I regret that Democrats have allowed the word “stimulus” to become a dirty word, one that we avoid using.

The President spoke a few weeks ago about his new plan to invest $50 billion in new infrastructure—projects that will improve safety and transportation. But he never once mentioned the words “stimulus” or “recovery.” That was probably a smart move on his part because, frankly, the stimulus has gotten a bad rap. But this absolutely does not deserve.

There are Members of this body who opposed the Recovery Act because they thought it would not work or did not jibe with their theory of economics or how the government should address recessions, and that is fine. They were entitled to vote the way they thought best. But now a year and a half later, we have been able to see the economic effects of the Recovery Act. To deny it has been a success is simply to ignore the facts.

A recent poll showed that a majority of Americans believe that either the stimulus bill did nothing to help the low-income or it made things worse. The economic data, however, indicates otherwise. How do we explain this disparity between what people believe and what the data supports?

Members of the American public do not form opinions out of thin air. They engage themselves. They watch the news. They listen to speeches by elected officials. One would expect that watching the news and listening to your elected officials would be a decent way to form an opinion about something. Unfortunately, the talking heads on many of the news shows, along with many elected officials, have been feeding the American public half-truths, at best, about the Recovery Act, and that, frankly, is cheating the American people out of the facts.

Today, I wish to go through some of these claims made by these talking heads and elected officials and then follow it up with some data, and most of the American people can use the facts to decide for themselves.

Let’s take claim No. 1 about the Recovery Act, made by one of my colleagues in February: “It didn’t create one new job.”

The Congressional Budget Office—the arbiter and referee of economic questions that we in the Senate all have agreed to abide by—reports that the Recovery Act has increased employment by 1.4 million to 3.3 million people. A separate report issued by two respected economists corroborates CBO’s estimates, putting the figure at about 2.7 million jobs. That report was issued by Alan Blinder and Alan Zandi. That is Mark Zandi, who, incidentally, was a key economic adviser to the John McCain Presidential campaign in 2008.

I understand that economic analysis has a lot of errors; that estimating jobs flow is very, very difficult to determine whether a job was created or saved. But when CBO and respected economists agree that employment has increased by millions of jobs, is it at all plausible that the Recovery Act didn’t create a single new job? Well, of course it is not. But that doesn’t seem to stop some misinformed souls from claiming that.
Let’s tackle the second claim. My friends on the other side of the aisle often imply that tax cuts would have been more effective than the Recovery Act. But perhaps they have forgotten that over one-third of the stimulus package comprised of tax cuts—$224 billion of it.

Unfortunately, the tax cuts were designed in a way so that many Americans didn’t notice they were getting them. An extra 20 bucks on your paycheck, and the economy over time but people don’t notice it as they do when they get a big lump sum rebate or refund. But here is the thing about lump sum refunds. People like to save them or pay off debts with them. When you get an extra 20 bucks in your paycheck, you are more likely to spend it, giving the economy a boost.

This explains one unfortunate paradox of the Recovery Act. Because the tax cuts were signed into law, it is interesting, I promise. The unemployment had already surpassed 8 percent by the time the Recovery Act was signed into law.

Now, for those who would argue the Recovery Act should have been only tax cuts, consider this. While tax cuts for lower brackets yielded a $1.70 GDP boost, tax cuts for higher income earners and companies only raised GDP by 50 cents per dollar spent, and neither of these compares to the return on investment—an impressive $2.50 increase in GDP for every dollar spent.

After tax cuts, another substantial portion of the stimulus was fiscal aid to States. The Recovery Act provided about $224 billion to States so they wouldn’t have to slash essential State programs. State budgets across the country are in dire straits. The Center on Budget and Policy Priorities estimated that State and local budgets fell this year. Over the past 2 years, the Recovery Act has helped fill in a large percentage of State fiscal gaps.

Imagine where State budgets would have been if they had not received assistance from the Recovery Act. Imagine the layoffs of teachers and firefighters and law enforcement, and of people who deliver key social services, for which there is far more demand during an economic downturn.

Let’s look at another misleading claim—that the Recovery Act failed because it didn’t keep the employment rate under 8 percent, as President Obama promised. Well, it is true that President Obama’s advisers did not accurately forecast the gravity of the unemployment crisis. But, frankly, nobody did. And because of the lag in unemployment data, we now know that unemployment had already surpassed 8 percent by the time the Recovery Act was signed into law.

Let me walk you through this, because it is interesting, I promise. The claim about Obama’s promise of keeping unemployment down actually came from a report issued by Obama’s advisers on January 9, 2009—before he took office. In early January, we only had access to job numbers through November of 2008, unemployment was at 6.9 percent. By December, it had risen to 7.4 percent. But the Recovery Act wasn’t signed until February 17, and by February the unemployment rate had risen to 8.2 percent.

So the unemployment rate was already over 8 percent before the Recovery Act was signed, let alone had any chance to go into effect. By that time, Obama’s advisers, along with most other economists, had realized the tide of unemployment was going to be much more severe. So it is fair to say that President Obama’s advisers under-estimated the coming employment crisis, but it is not fair to say that unemployment exceeding 8 percent was a failure of the Recovery Act. It is preposterous to say that the Recovery Act’s public works investment—an impressive $2.50 increase in GDP for every dollar spent.

Okay, this is a fun one because, technically, the first part of the claim is correct—since the Recovery Act, we have had a net job loss. Here is a chart illustrating the job losses mentioned. These are job losses, here is a trend. See, you are the trend. I am going to show another chart that might put this more in context. You may notice a trend here. This is President Bush. If we had a slide whistle, it would whistle up on the scale. And if you had a slide whistle for here—here is the Recovery Act—it would whistle up on the scale. There is a trend. You can tell by my slide whistle that the Recovery Act was clearly a turning point. We went from a downward slide to a relatively upward climb. It is not as fast as we would like, but things have been slightly stalled of late, but clearly—clearly—we are doing much better.

This is Bush’s last day in office. In fact, one could make the argument that the stimulus was key in reversing our slide into a depression. In fact, that is pretty much exactly what Blinder and Zandi have said about the Recovery Act. Remember, this is Mark Zandi, who was JOHN MCCAIN’s economic adviser. The Blinder-Zandi report is the report issued by the economists, or what the government response to the crisis “probably averted what could have been called Great Depression 2.0.” Again, from the adviser to the 2008 Republican Presidential candidate.

I think avoiding a depression is, on balance, a good thing, and I think most Americans would agree. And if they knew the facts, they would thank President Obama and Members of Congress who kept us from sliding into another Great Depression.

Let’s look at a fifth claim. A prominent elected official said recently that he thinks the Recovery Act created more bureaucratic government jobs—only bureaucratic government jobs. In response to that, I wish to show a few recovery projects in progress in my State of Minnesota. You can judge for yourself whether they are bureaucratic government jobs.

I am not sure how the cameras work here in the Senate for those watching on TV, but maybe they can push in here on Jamie, a Local 361 carpenter from Cloquet, MN. Here is he is performing scaffolding work on the north tower of the Duluth bridge. He is doing this in January 2010. The Duluth aerial lift bridge, I think, is the largest in North America. The south tower will be completed this winter as part of the two-phase $5 million project funded by the Recovery Act.

Jamie, his wife and two children ages 19 and 14—went without health insurance for 13 months when he was on unemployment. He was hired for this job last winter and worked enough hours on this job to get back on health insurance. The Recovery Act has enabled Jamie and his family to get back on their feet. I ask you: Does Jamie look like a government bureaucrat?

How about Cecil? Here is a picture of Cecil. I want to ask you: Does Cecil look like a bean counter for OMB? Cecil is pictured here working on the Highway 610 extension project in Brooklyn Park, MN. He is building 6 miles of sound walls. I attended the groundbreaking ceremony for this project. So did a Republican Congressman from this district, who voted against the stimulus package. Cecil had been unemployed since 2008 before being hired onto this Recovery Act-funded project. He has told us he is very thankful for the opportunity to earn a living wage to support his family.

Next, we have Spencer, a Local 49’er crane operator for a contractor named LUNDA, working on the 954’WW wide-span bridge and on and off ramps—a $2.5 million project. There are 11 onsite contractors—private contractors—working on the project. Spencer, who is 23, is from Isle, MN, and was unemployed until this job came along. Spencer says:

I wasn’t working until this job came along . . . investing in our country’s infrastructure is an investment in my financial fate and family’s future.

As I said, this Local 49’s run heavy machinery. I don’t know about you, but I don’t know many Washington bureaucrats who can safely operate heavy machinery.
Who is next? Matthew and Randy, both Laborers Local 563. They had been employed by contractor CS McCrossan for 7 and 13 years, respectively, before they were both laid off last fall. But this spring, they were hired back to work on different Recovery Act-funded projects. They are pictured here working on a pedestrian replacement bridge on 49th Avenue Northeast over Central Avenue in Columbia Heights, MN. You can see them. They are, you know, a couple of CBO paper pushers.

Next we have Sheila. Here she is working on the night shift on the I-94 rehabilitation project. I-94 is a huge interstate highway in Minnesota—a very important artery. Sheila is new to the construction industry but her work ethic has led her colleagues to comment that she has a bright future in the industry. These are just a few of the 70,000 Recovery Act projects happening across our country.

Here they are working on I-94. These guys are building a water tower. In addition to five crews of workers on the project, the tower tank is made of 723,000 pounds of American steel. Let’s get a picture of it; looks like it will get more in progress—723,000 pounds of American steel, and the rebar is another 33,000 pounds of American steel. So additional American workers made this steel. More American workers mined the iron, Minnesotans made the Range-Minnesota iron. More jobs. I visited Two Harbors on September 6, just a few weeks ago, and personally saw this project in progress.

As you can see, these folks are not in suits and ties shuffling papers; they are building bridges, they are building roads, they are building water treatment plants and water towers. These projects are going to improve transportation and the health and safety of people in Minnesota. Because of these jobs, made possible by the Recovery Act, they can buy food over the heads of their families, put food on the kitchen table, send their kids to college, and, yes, buy stuff.

Another vital component of the Recovery Act that is often overlooked is its expanded funding for unemployment insurance that helped keep 3.3 million unemployed people, including 1 million children, out of poverty in 2010.

Another overlooked but critical program in the Recovery Act is the funding for Head Start. The $2 billion allocation preserved Head Start and Early Head Start programming for 64,000 children across the country—over 900 in Minnesota alone. These programs are helping the most vulnerable kids, kids in our communities.

It is simple. Economic analysis suggests that the Recovery Act boosted demand, created millions of jobs, kept families in their homes, and helped the economy start growing again.

Let me tell you what I love about being a Senator as opposed to being a candidate for the Senate. I think most of my colleagues can relate to this. The Presiding Officer has been a statewide candidate many times. When you are a candidate, you are speaking mainly to your own people. If you are Republican, you are speaking to Republicans to get the nomination and then to get out the vote. If you are a Democrat, you are doing the same thing. But as a Senator, you talk to everyone.

As Senator, I have been privileged to go all around the State of Minnesota and talk to folks at economic development meetings. I have talked to county commissioners and city councilmen and small businesses and community bankers. You know what, I don’t know what party they are in, and I don’t care. We are trying to get people going. We are trying to get the economy moving. Everywhere in Minnesota, do you know what these folks say to me? Thank you for the Recovery Act. Thank you. Thank you for the teachers we are able to keep on here in Brainerd, the firefighters, and for the workforce investment Act funds so we are able to train people for jobs that were available but didn’t have trained people for. Thanks for the highway underpass so school buses do not have to cross the train tracks or an ambulance doing emergency procedures in progress.

Thanks for funds for the wastewater plant or for rural broadband or for the weatherization of public buildings—speaking of which, Michael Grunwald, writing for Time Magazine, wrote this: The Recovery Act is the most ambitious energy legislation in history, converting the Energy Department into the world’s largest venture-capital fund. It’s pouring $90 billion into clean energy, including unprecedented investments in a smart grid, energy efficiency; electric cars; renewable power from the Sun, wind and Earth; cleaner coal; advanced biofuels; and factories to manufacture green stuff in the U.S. The act will also triple the number of smart electrical meters in our homes, quadruple the number of hybrid fuel vehicles, and finance far-out energy research through a new government incubator modeled after the Pentagon agency that fathered the Internet.

A few weeks ago, I heard a prominent conservative talking head on one of the Sunday news shows describe the Recovery Act this way. He said:

If I pay my neighbor $1,000 to dig a hole in my backyard and fill it up again, and he pays me $1,000 to dig a hole in his backyard and fill it up again, according to the national income statistics, that is a $2,000 increment to GDP and two jobs have been created. The American people understand, however, there is no real wealth created in this kind of transfer payment.

How offensive. How out of touch. Yet this is why so many Americans believe the Recovery Act has not created any jobs or just created jobs for bureaucrats.

I worry that my speech today is too little, too late. I worry that most Americans have already formed their opinion about the Recovery Act based on the inaccuracies they hear from politicians and so-called experts, so-called elected officials. But I challenge these talking heads and these elected officials to find the Spencers and Shellas and Cecils and Randys in their State, go out and watch them work or talk to a teacher in a classroom or a cop on the beat. They are not digging and filling holes in their neighbor’s backyard. They are doing skilled work, necessary work, hard work rebuilding our roads, teaching our children, being paid for it. With their paychecks, they buy food for their families and make their car payments and maybe buy a new one, which generates more demand. That is an economic recovery in the making.

Mr. KAUFMAN. Mr. President, I ask unanimous consent to speak in morning business for up to 10 minutes.

U.S. SENATE STAFF: GREAT FEDERAL EMPLOYEES

Mr. KAUFMAN. Mr. President, last week I stood at this desk and recognized my 100th and final great Federal employee. Since May, I have come to the floor each week to share the stories of dedicated men and women who have chosen to work in public service.

During these sessions I have learned that we have truly one of the highlights of my time in office. As my term nears its end, I look over at this mosaic of dedicated government employees, and I hope that these speeches each week in their honor have drawn attention to the excellent work they have done and continue to do for our Nation.

At a time when politicians express their frustration with lack of progress by attacking nameless, faceless Washington “bureaucrats,” I thought it important to shed light each week on the face, story, and accomplishments of individual Federal employees. In that way, in my own small way, I hope I have helped remind people that those who pursue government work are constantly trying their best, often at great personal sacrifice, to make this a better country and a better world.

These 100 are a microcosm of our government workforce; as I have said before, they are not exceptional but exemplary. They come from over 40 departments, agencies, and military service branches. They represent a Federal workforce of 1.9 million.

Just as we 100 Senators are a snapshot of the American people, these 100 great Federal employees are a snapshot of the hard-working men and women who serve the American people every day.

But, just as it takes more than a 100 great Federal employees to serve the work of the American people, it takes more than us 100 Senators to perform the work of the U.S. Senate. This week, in closing my series of speeches
honoring public service, I want to recognize the untiring efforts of U.S. Senate staff.

I am not only speaking of those who work for Members as personal staff. I mean everyone here who has a role in making our Senate work. Including those who work in the cloakrooms, the Parliamentarian’s staff and that of the clerks, those who provide support services through the Sergeant at Arms and the Secretary of the Senate, the men and women who serve as Capitol Police, and more. Over 7,200 people work as Senate staff in personal offices, for committees, and for the various services that keep the modern Senate functioning. All of them know well the importance of the Senate in our system of government and the role it plays binding our large and diverse Nation together. Indeed, on the west pediment of the Dirksen Building it is inscribed: “The Senate is the living symbol of our union of states.” It is a living symbol in that we rely upon a deliberative group of wise men and women to smooth out our differences and keep fastened securely our union’s many parts.

We could not do this without the help of our staff. They brief us on issues and provide up-to-the-minute research. They are our link with executive agencies and the military. They maintain our busy schedules and keep us on time, or mostly so. They form a net-work that links our offices together with one another and make bipartisan deals possible. Most important, they keep us connected to our constituents while we are here working for them in Washington.

Who are these staffers, and what brought them to these Halls? Many of them are young, in their twenties and thirties. They have an energy and passion for the issues on which we work. Those who stay more than a few years often spend their whole careers here, becoming some of our Nation’s leading experts in their issue areas. Just like Members, staff preserve the institutional memory of this body and pass on its traditions and history.

We have staffers from both civilian and military backgrounds. Every profession and field of education is represented here. Senate staffers have trained as doctors, lawyers, writers, farmers, nurses, engineers, teachers, manufacturers, the list is endless. They come from every State and territory in the Union.

They are creative and intellectual, pragmatic and imbued with good-old common sense. Senate staffers are diverse in both their origins and their ideas.

The paths that led them to the Senate are diverse as well. Staffers have come here by many routes. They are driven by a shared love of country and they play a constructive role in our Nation’s history. One of the common traits of Senate staffers is that, when asked, they will say that there is something truly special about working in the Capitol and these impressive office buildings. Their eyes light up talking about the history and gravity of this place. They share the great feeling of excitement from being involved inside the news cycle. Staff work under the long shadows cast by this body’s Members. Infrequently seen in the public spotlight, nevertheless their hands mold and shape everything we debate and pass. Here no 2 days are the same; there is no routine.

I like to think that my staffers are the best, but I know that every Member or Senate officer thinks his or her staffers to be the greatest. I would never dare dispute any of them.

Senate staffers share in common a deep sense of pride in their public service. They share the experience of walking through these august Halls and feeling goose-bumps from the power and weight of history and their palpable role in it. On both sides of the aisle they all want America to be strong, prosperous, and safe.

Senate staff is great because they take their jobs so personally. This is why they work so hard. It is why they are here on weekends, drafting legislation, hammering out deals across the aisle, and advising their Members on the next day’s votes. It is why front desk staff assistants are so compelled to engage with the constituents who call in with questions about bills.

It is why security guards, maintenance personnel, and those who work in the Printing, Graphics, and Direct Mail division trudged through the snowstorm to get here when all other government offices were closed. It is why all kinds of staff are here past midnight regularly.

I was a Senate staffer for 22 years. My service as chief staff to Joe Biden helped me be prepared each day to work with wonderful people on both sides of the aisle who came to the Senate motivated by love of country. Many of those with whom I worked during those days went on to other jobs in government and public service today. A number of former Senate staffers now serve in the House of Representatives and in this Chamber.

As I come to the end of this series, I cannot help but think that all those great Federal employees I have not had a chance to honor from this desk. There are so, so many. They are the unsung heroes that keep our Nation moving ever forward.

I hope my colleagues and all Americans will join me in thanking those who serve and have served as staff here in the U.S. Senate. They are all truly great Federal employees.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CASEY. I ask unanimous consent that the order for the quorum call be rescinded.
speech lamenting our Nation's increasing dependence on foreign oil, remarking in that 1953 speech:

We . . . must pursue not a policy that is detrimental to the economy of this nation and which imposes its strength while enriching other nations but a policy that will strengthen our beloved country.

Those are words that certainly resonate and ring true today, which is why we should continue our efforts to develop technologies that allow our country to harness this abundant energy source in a cleaner way, such as the bipartisan carbon sequestration bill put forward by Senators Rockefeller and Voinovich.

Coal can and must be a part of the solution to the energy challenges of the 21st century. West Virginians know this and understand that our future depends on our ability as a nation to extract and burn coal more cleanly. West Virginians simply want to be part of that conversation and part of the solution.

As we move forward to ensure coal's vital role in the future of our economy, we must simultaneously also keep our focus on assuring that mines remain safe. It is only by preventing or investigating a large-scale disaster when that may capture the attention of the Nation and the world for a brief period of time. Rather, when tragedy strikes in a coal mine, it is usually far away from satellite trucks, international news media, and the glare of television cameras. All too often, when a coal miner is seriously injured or perishes or succumbs after a battle with black lung disease, it is simply a community and a family who mourns quietly.

I would note that in addition to the 29 miners lost at Upper Big Branch, another 15 coal miners have been killed on the job so far this year, and it is only September.

Sadly, coal deaths often go unnoticed by the country at large. The loss is just as great and just as tragic to the families, which is why everyone must remain committed to coal mine safety each and every day and each and every shift.

I know my colleagues in the Senate understand this and have taken this responsibility seriously. The changes brought about in 2006 after Sago and Aracoma were significant and positive. I was privileged to have played a small role in drafting legislation in West Virginia to help form part of the basis for the Federal MINER Act—the first comprehensive mine safety legislation that passed by Congress in nearly 30 years.

Our work, however, is not complete. In his final months of service to West Virginia and our Nation, Senator Byrd was working with Senator Rockefeller to craft and push additional mine safety legislation. During my brief tenure in this body that has been a fight I have been honored to carry on. Although these efforts may not be completed during my tenure, I have every confidence that the Senate will continue its hard work on passing additional coal mine safety legislation.

There are serious issues that additional legislation needs to address. We need comprehensive and targeted inspections and increased transparency in mine safety recordkeeping. We need a sophisticated way to separate good operators from the bad. For those who are irresponsible, we need enhanced oversight and enhanced penalties. We need to strengthen protection for miners who speak out about unsafe conditions or conditions that may cause certain their livelihoods are not jeopardized when they choose to do so.

Although my time in the Senate is not long, it has been and will always remain my enduring privilege to have served in this body alongside so many dedicated public servants, including and especially my friend, colleague, and senior Senator from West Virginia, Jay Rockefeller. My remarks here today are on behalf of the State we represent and her people whom we both revere.

No coal miner should have to go to work fearing for his safety, and no coal miner should fear for his job for raising concerns about that safety. Coal mine safety is worker safety, and it is the right thing for our country to do.

I yield the floor.

The PRESIDING OFFICER. The senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, the Senator from West Virginia wishes to continue as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, in the Senate, the core job, obviously, of any Senator is to do all we can every day to help our constituents. It has been such an honor for this Senator to stand with our newest Senator from West Virginia, Carte Goodwin, and work with him to do exactly that.

Before I spoke today, Senator Goodwin made serving West Virginia his focus in everything he did—as an attorney; general counsel to our Governor; chairman of the School Building Authority, which is a very complex matter—and all the while exuding enormous character, great character, dignity, and always keeping West Virginia families first and foremost in his mind.

It has been interesting to watch him on this floor in this relatively short period of time in which he has been a Senator and still is—the way people come up to him, see him as a breath of fresh air, respond to his intelligence, his integrity, his modesty, and his very smart humor.

Senator Goodwin comes from a family deeply committed to public service that has taught him to work very hard, to give back, and be proud of where he came from. I respect him a very great deal.

More importantly, he has a deeply ingrained sense of what matters to West Virginia. He does not come from one of our big urban counties. He comes from a very small rural county, Jackson County. He knows what working families need. He knows what people who represent them in Washington need to bear in mind. As I say, his character is strong, his work ethic is unmatched, and his heart is always in the right place.

So it is a sad day for me, in a sense, because I respect him so much and like him so much and I will not be hearing him enough, except if he is dissatisfied with my work. In that case, you can call me and tell me that and I will be taking copious notes.

I join Senator Goodwin to talk about an issue that impacts the lives of every American in this country; that is, workplace safety.

This past April, as West Virginia’s other Senator has mentioned, we suffered the worst mining disaster in 40 years in this country. It was statistically the mining industry is not the horrorizing, and deeply poignant. Twenty-nine miners were killed in an explosion at the Upper Big Branch Mine in Montcoal.

I was there with the families as we hoped and we prayed for any sign that their loved ones would emerge. For the most part, they did not. The sorrow and hurt and anguish I saw on their faces is unimaginable and indescribable. It is something that no family should have to go through, but it happens in West Virginia and, as it turns out, in other States.

But mining tragedies are not just happening in West Virginia. Nearly one-third of our States have experienced mining disasters this year, including Alabama, Arizona, California, Idaho, Illinois, Indiana, Kentucky, Minnesota, Montana, Nevada, New York, Oklahoma, Tennessee, and Utah. Yet mining is not the only industry where significant improvements to workplace safety are necessary. We have seen major disasters take the lives of hard-working Americans employed in a variety of other industries: 7 dying in a refinery blast in Texas; 6 in an explosion at a clean energy plant in Connecticut; 11 died with the BP Oil rig disaster off the coast of Louisiana which we all know about.

In fact, there were more than 4,300 workplace deaths in the United States in the year 2009, this year not having been completed, but it is a decent benchmark. That is 11 deaths each and every day of the year. 11 men and women who went to work that did not return home to their loved ones.

This is America. We are the greatest country on Earth. All of us together must do more to protect the lives of those workforces. That is why Senator Goodwin and I introduced the Robert C. Byrd Mine and Workplace Safety and Health Act of 2010.

Senator Byrd worked diligently with two of us on this bill, as have Chairman Harkin, Senator Murray, and obviously Senator Goodwin. They are committed advocates to the working men and women of our country and
in our State, and I wish to thank them for their tireless dedication to doing what is right.

This legislation contains commonsense proposals that will give Americans the peace of mind that comes from knowing about conditions. It begins by fixing the broken “pattern of violations” process which was meant to give MSHA authority to crack down on mines that repeatedly violate our laws, but has never been effectively implemented. It provides a hard look at MSHA itself to make sure it is doing its job by creating an independent panel to investigate the Mine Safety and Health Administration’s—MSHA’s—role in serious accidents. In these matters where regulation is done on discrete and for the most part invisible industries, the people who do the regulating and the checking need to be looked at carefully, just as do those who operate coal mines. It gives teeth to existing whistleblower protections so miners can come forward to report safety concerns. It gives MSHA additional tools to keep miners safe, including the ability to subpoena documents and testimony outside of the public hearing context. This is something MSHA has, and it is important to me that MSHA has not had it and does not have it. If this bill were to pass, it would happen.

Finally, sort of, it provides protections that will apply to workers across, as I would say, the board, mining and industries. It includes greater rights for victims and their families to participate in investigations and enforcement actions; updating civil and criminal penalties; and the requirement that hazardous conditions be addressed immediately so that litigation doesn’t shoot right into the middle of it and delay the whole process.

Over the past few months, I have been working with my colleagues on the HELP Committee on bipartisan legislation—and I deeply appreciate the efforts of Senators ENZI, ISAKSON, and HATCH on the Republican side. I have worked closely with Senator ENZI and ISAKSON in the past on other matters, first with Senator ENZI on, of all things, the President’s Commission on Coal back in the 1970s when he was mayor of Gillette, WY, and later with both him and Senator ISAKSON to pass the MINER Act which came right after the Sago disaster. I know that both Senators ENZI and ISAKSON at the Sago disaster as we tried to comfort families, as we sat in circles and Senator ISAKSON and Senator ENZI seemed to—well, Senator ENZI comes from a coal-producing State, Senator ISAKSON does not—but both of them profoundly related to the families. It was very clear in their voices and what we saw in their eyes, and the families felt it. I know they care deeply about coal miners.

But an important fact that I am deeply frustrated we have yet to produce a bipartisan bill. The families of the Upper Big Branch are wondering, what is the holdup, and, quite frankly, so am I.

The provisions that should be included in a strong workplace safety bill are not that hard to figure out. In fact, they are the very provisions Senator GOOKEY and I have included in the recently introduced Robert C. Byrd Mine and Workplace Safety and Health Act, which is why I come before the Senate today to do the proper time ask for unanimous consent that our legislation be passed.

Mr. President, at this point, I ask unanimous consent that the HELP Committee’s report for the upper Big Branch and one of those miners, Stanley, nicknamed “Goose,” Stewart told us that:

“No one felt they could go to management and express their fears. We knew that we did not have the ability to speak up, if management would look for ways to fire us. Maybe not that day, maybe not that week, but somewhere down the line, we would disappear. We’d seen it happen.

So enough is enough. No employee should be fired for reporting safety concerns. A lot of manufacturing companies—I am thinking of Toyota in West Virginia—have the assembly line and they have a rope that goes all the way down. If any worker sees any problem, any aspect, whether it is real or he imagined it or whatever, he pulls that rope, the production line shuts down, and the manager comes over and they fix the problem if it exists. But the comfort that brings to the worker is a very small price to pay for very well-made cars.

Finally, my colleagues on the other side of the aisle have expressed concerns about reforming the pattern of violations process. The pattern of violations process, which does not sound very interesting but which is usually important in bringing things to a head, to justice—was intended by Congress to allow MSHA to take action against operatives that refused to follow our laws. But to date, no mine has ever officially been placed on pattern status. Why would that be? Well, one can only speculate.

I think everyone agrees that the process must be fixed, but what I don’t want to do is to tie MSHA’s hands or to dictate a formula that will virtually guarantee that no mine is ever placed in pattern of violations status. I want a proactive system, one that will identify troubled mines before accidents happen and one that focuses on rehabilitating mines that are having problems.

Mr. President, at this point, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. 3671, the Robert C. Byrd Mine and Workplace Safety and Health Act of 2010, and that the Senate then proceed to its consideration; that the bill be read three times, passed, and the motions to reconsider be laid upon the table; and that any statements relating to the measure be printed in the Record.

The PRESIDING OFFICER. Is there objection?

Mr. ENZI. Mr. President, I ask unanimous consent that the right to object.

The PRESIDING OFFICER. The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ENZI. Mr. President, as the Senator from West Virginia notes, the only change in mine safety law that was
made was with his and my leadership and several others. That was the first change in 30 years. I know he is aware that in the area of OSHA, the only legislative changes that have been made in the 28 years the law has existed were under my chairmanship, with me as a major sponsor. So I am interested in safety.

The Republicans weren’t invited to work on a bipartisan bill until 2 weeks before the August recess. We had our staffs work through the entire recess. There were numerous meetings, where we were making great process. I think we had agreed on 14 different parts or so. We still had six or so provisions that were in the process of negotiation, but very close, and seven or so that the Senators themselves would have to work out. So I am disappointed that was called off. It was not called off by my staff. I think we could have had a bipartisan bill that would wind up unanimous on this side like the last one, with only a few objections on the House side.

So I am disappointed my colleague is attempting to bring up a bill with no bipartisan support at this late stage of the Senate schedule. They went back to the bill, not the one that we have been negotiating. If the majority truly wanted to pass a bill on this issue, we would have continued those bipartisan negotiations, or they could have taken this bill through the Senate procedure and scheduled a hearing and a markup on this bill.

As I stated last week on the floor, if this were to be brought up this way, I would have to object, and I do object.

The PRESIDING OFFICER. Objection is heard.

Mr. ENZI. Mr. President, having objected, I like to take a moment to clear up some confusion about what caused the breakdown of bipartisan negotiations on mine safety legislation last week.

The terrible tragedy that occurred in West Virginia this past April has focused us again on the strength of our Federal mine safety laws and regulations. As a Senator from a State that leads the Nation in coal production, I have always considered workplace safety as one of the most important missions of the HELP Committee and I have been pleased to work across the aisle to improve safety. That is exactly what I have tried to do this year as well with my colleagues from West Virginia and members of the committee.

As my colleagues well know, negotiations had been making significant progress until we ran into a stumbling block known as the election cycle. The staffs of seven Senators had been meeting several times a week for over 2 months and all throughout the recess period. Agreements had been formed on over a dozen important proposals, and several more important ones were right on the horizon. During the recess, however, the talks were abruptly called off until after the election. Despite what has been said in the press and on this floor, the simple fact is that we might well have had an agreement by now if the majority hadn’t decided they would rather have an election issue. Certainly, it is not for me to consult on the political calculations of my colleagues. But it seems to me that political calculations have to be made together to get important things like this done are exactly what the American people are so frustrated by this year.

We are serving this Nation best when we work together to accomplish the people’s business. The formula is not that complicated and, really, anyone can do it:

Bring both sides together for discussions.
Establish agreed upon goals and work toward agreement on those goals.
Consult with stakeholders that will be affected by the changes being discussed.

Once substantial agreement has been reached, determine which issues the sides will never be able to agree upon, and set those aside for another day’s debate. This is what I call the 80–20 rule.

This formula has worked in the past for the very issue we are discussing today—mine safety. In 2006, when I was chairman of the HELP Committee, we were faced with a string of tragic mine accidents in West Virginia. In response to the first of those accidents, Mr. ROCKEFELLER and Senator Kennedy organized a trip to Sago, WV, to meet with miners, victims’ families and investigators. The three of us, along with Senators Isakson, Murray, and Byrd, then began negotiations and were able to come up with an agreement in less than 2 months—the MINER Act, which was the first major revision of the Mine Safety and Health Act since 1977. This bill made important improvements to the emergency preparedness of underground mines and has fostered tremendous improvements in communications technology adaptability to the underground environment.

One of the reasons I am so proud of the MINER Act is that we wrote it in the way I believe all legislation should be drafted. We brought in all of the stakeholders—the union, the industry, the safety experts, the Mine Safety and Health Administration—MSHA—and we sat them all around the table and worked through the biggest safety concerns and the best way to approach them. Because of the bipartisan nature of the bill, it sailed through a committee markup, was passed by the Senate unanimously a week later, and passed the House 2 weeks later with just 37 House Members opposing. One more week later it was signed into law. That is how it was done.

During my tenure as the chairman of the HELP Committee, we were able to move 27 bills to enactment this way. In all, at least 35 bills out of committee, and, of those, 25 passed the Senate. This is the kind of cooperation and accomplishment Americans are demanding, especially on an issue as important and timely as workplace safety.

Every day, thousands of Americans go to work in the energy production industry. The work they do benefits everyone, single one of our citizens, and supports our entire economy. This year, major accidents in the energy-producing sector have taken the lives of 29 men in West Virginia, 6 in Connecticut, 7 in Washington State, 3 in Texas and 11 men off the coast of Louisians. There were several more important ones right over a dozen important proposals, and months and all throughout the recess began negotiations on mine safety legislation that was another rural spot in West Virginia where a number of people were killed—a lot of anguish—and it was the first time in 30 years that there had been any revision of the Federal mine safety laws.

I have to say, though, that the bill we passed, the MINER Act, was not fully—because it had to pass through the committee at that time that was controlled by the present minority, it did not come out as strongly as I would have hoped. It was a good bipartisan bill and has had a good effect in mining.

One of the aspects of mining, which is hard for people to understand, is that there is no margin for error. There is no margin for it. It is a discrete industry, which, for the most part, is carried on out of sight—in this case, underground. The great majority—I would say well over 95 percent—of West Virginians and people from the Presiding Officer’s State have never been underground—or I guess sometimes Senators and Congressmen and Cabinet officers.

Obviously, I am disappointed that my colleague objected to this bill. However, I very much believe Senator Enzi when he said that he wants to start working on a bill that will keep people safe. I point out to him that at no point did we call off the negotiations. We were simply at the end of the work year, at the end of August, and there had to be a period of negotiation going on with the staff, and we would come back and take the fruits of that negotiation and go ahead and work on the bill. That is what I would have wished to have seen happen, and what still can happen. As I listened to the Senator from Wyoming, I believe he wants that to happen. As it turns out, so do I, and I am sure Senator Goodwin does too.

People are counting on us to get this done. They deserve nothing less. I look forward to working on this. Obviously, it cannot be passed now. We have our work to do, but then again we have our work to do in any event.
Senator GOODWIN and I and Senators PATTY MURRAY and TOM HARKIN wanted to lay this down as a benchmark of what a mine safety bill should be. It probably won’t end up being in a bill, but that doesn’t mean it should not be this bill. You can’t do everything at once, and I understand that there is hope that the process will produce—as the Senator indicated, a number of things were agreed on by Senators, and sometimes I wish it were the Senators negotiating with each other; I think we would get a better bill.

In any event, I have faith in the future, and we all have the eyes of 29 miners and so many others looking down on us waiting for us to take action.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mrs. GILLIBRAND). The Senator from Kansas.

Mr. ROBERTS. Madam President, I ask unanimous consent to speak for 15 minutes to eulogize our former colleague and President pro tempore of the Senate, the distinguished Senator from Alaska, Ted Stevens.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Madam President, I ask unanimous consent to speak for 15 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL CRIMINAL JUSTICE ASSOCIATION COMMISSION ACT

Mr. WEBB. Madam President, first, I would like to say that Senator SCHUMER and I are sharing 30 minutes today—we are going to have to do it in divided time—to speak about concerns with respect to the relationship of the United States with China and where we need to move forward.

Before I do that, I wish to express my hope that my colleagues on the other side will allow a vote on the National Criminal Justice Association Commission Act which I introduced a year ago and now after 2 years of hearings. We have bipartisan support on this bill. The identical version of this bill has passed the House of Representatives already. We have met with more than 100 different organizations, from our office. We have a buy-in on the necessity of this bill from people across the political spectrum and the ideological spectrum. The three major criminal justice associations strongly back this bill, as do the American Civil Liberties Union, Human Rights Watch, and the NAACP. There is no controversy on this bill. It passed the House by a voice vote.

I certainly hope that before the end of this year, we will see this national commission come into place. It is 18 months of getting the finest minds in America to come together and examine all aspects of our criminal justice system so we can do two things: one, reduce mass incarceration in this country but also reduce the fear in our communities with the present rate of crime.

There are two charts for people to look at to see why we need to move forward on this legislation. The first is to look at what has happened to the incarceration rate in this country. From 1980 up to today, it has gone off the charts, the number of people in prison than any other country in the world. We have 5 percent of the world’s population and 25 percent of the world’s known prison population. At the same time, any survey you look at, you will see that three-quarters of the people of this country feel less safe than they did a year ago. These two realities do converge in the need to examine our entire criminal justice system.

I say again to the one or two people on the Republican side who are not allowing this to come to a vote, this is not a controversial measure. The top three corrections associations in this country want to see it happen, as do people on the other side.

I hope we can get a vote before the end of the year on this legislation and start fixing our criminal justice system.

UNITED STATES RELATIONSHIP WITH CHINA

The main purpose of my speaking today is to join with Senator SCHUMER in stating to our colleagues and to the people of this country that we need to have the courage and the wisdom to reconfigure our relationship with China in a way that recognizes clearly its emerging status economically and in terms of our own national security and the security of the East Asia region. This has been an incremental process. I have been talking about the need to balance a relationship with China for 20 years.

Actually, I will begin these remarks by reading from an article I wrote for the Wall Street Journal 9½ years ago. I wrote:

China engaged in a massive modernization program . . . . It shifted its aviation doctrine from defensive to offensive operations, including the ability for long-range strikes throughout Southeast Asia. It has continually rattled its sabers over the issue of Taiwan. It has laid physical claim to the disputed Paracel and Spratly Island groups, thus potentially claiming one of the most vital sea lanes in the world. In the last year—

And this meant 2000 and 2001—

it has made repeated naval incursions into Japanese territorial waters, a cause for long-term concern as China still claims Japan’s Senkaku Islands, just to the east of Taiwan, and has never accepted the legitimacy of Okinawa’s 1972 reversion to Japan.

This is rather relevant, even though this was written 9½ years ago, as we examine Chinese activities in areas in the South China Sea and the need for us as a nation to stand alongside the other countries in this region on issues of sovereignty.

Just in the last 3 weeks, we saw an altercation in the Senkaku Islands. By the way, I mentioned the Senkaku Islands in a debate in my campaign 4 years ago, asking my opponent what he thought we should be doing there. There were some who thought I was being a little bit arcane talking about a place of which few people had ever heard.

It is a major flashpoint between China and Japan. Both claim these islands just off Taiwan. We saw a very sensitive diplomatic relationship with the potential to have a military confrontation just in the past couple of weeks in the Senkaku Islands. The Chinese still claim the Paracel Islands, which Vietnam also claims. They have made naval incursions there. They claim the Spratly Islands, which are also claimed by other countries, including the Philippines, Vietnam, and Borneo. This is a very serious matter in terms of how we approach the stability of East Asia.

There was a column written in the Washington Post on Sunday, the title of which was “The South China Sea, China’s Caribbean.” I emphasize to my colleagues that this is not the Caribbean. In terms of sea lanes, the South China Sea is a huge amount of world trade move through there.

In Southeast Asia, in the ASEAN countries, we have 650 million people. We have almost 1 billion people living not in China but in this region who would be affected by Chinese sovereignty claims if we do not responsibly assist this region in getting a balance.

This is happening at a time when I think we have deluded ourselves as a nation for economic reasons as to the nature of the governmental system in China. We tend to look at these as comparable governmental systems because they have such trade on the balance. And Senator SCHUMER is going to talk about the trade aspects of this issue.

Just as one little data point, every year the Freedom House publishes a record of the freedom of the press. It ranks countries in the world in terms of global press freedom. In their last ranking for 2009, China ranked 181 out of 195 countries in terms of freedom of the press inside that country. Of the 40 countries in Asia, the only countries that scored lower than China in terms of freedom of the press were Laos, Burma, and North Korea.

The second-tier countries in East and South Asia are those very closely how the United States articulates its relationship with China. History warns them that they must hedge their bets against eventual change. And any failure by the United States to take firm action when the Chinese manifest aggressive behavior is viewed in this region as a sign of a permeating weakness in the United States.
The reality of a smaller size of our naval forces, the turbulence, at times, with relationships we have had with countries that are friends, the mistreatment and sometimes neglect of our major ally, Japan, causes some to wonder if it is too powerful that we will abandon our friends.

On the one hand, this is an administration that has done a good job in terms of reconnecting with eastern Southeast Asia. Secretary Clinton made a strong statement in July at the ASEAN conference about the importance of these sovereignty issues.

On the other hand, we have a situation that is now evolving. It is continuing Japan and China over the Senkaku Islands, where we must be very clear in our signals to China that we will not tolerate instability that can be created with false claims of sovereignty in these regions. There are ways to resolve these sovereignty issues, and the expansionist pressure from military actions and other actions is not the way to do that.

My major point today is that we must reinvigorate our vitally important relationship with the ASEAN countries and our allies—Japan, Korea, the other treaty allies we have—in order to maintain the stability in this region, to maintain our own national interest in this region economically, with regard to security, diplomatically, and culturally, and ultimately in the long term for a proper balance between our country and China. This will only be done if we stay with our friends and articulate very clearly to China that the wrong type of behavior is not going to be rewarded with a weak form of behavior by the United States. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. WYDEN. Madam President, I ask unanimous consent for the order for the quorum call to be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. I ask unanimous consent to speak for up to 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SECRET HOLDS

Mr. WYDEN. Madam President, there are secret holds on courts that the Federal judiciary considers to be judicial emergencies. Let me restate that. Filling these vacancies is now such a priority that they are considered judicial emergencies. One of those vacancies considered to be a judicial emergency is the position for the U.S. District Court for Oregon. My view is this problem is only going to get worse with another 20 judges having announced plans to retire. If these positions remain vacant, we all understand it could delay trials and certainly justice delayed is justice denied.

The stalling of judicial nominations also discourages qualified candidates from serving on the bench. Those the country most needs on the bench cannot put their lives on hold for months or years while their nominations sit on the Senate calendar, blocked for no apparent reason.

One of the things that is most striking about how the country has gotten into this predicament is that experts who have analyzed the situation with respect to the delay in getting judges confirmed come back to Senate procedures as the single most significant factor in the holdup. Repeatedly, these independent experts say the Senate’s secret hold, the process by which one Senator, just one, can anonymously block a judicial nomination from being considered on the floor of the Senate, is a central factor in the delay in getting these judges confirmed.

I have come to the Senate floor today to say, when we have so many designated judicial emergencies, when there are so many individuals who have worked hard and a big factor in not getting judges confirmed is the Senate is unwilling to do public business in public, it suggests to me it is time to eliminate the secret hold which is keeping sunshine from coming into the Senate and to address the consideration of judicial nominations and other important business.

Fortunately, colleagues on both sides of the aisle—a big group on our side of the aisle and a big group on the other side of the aisle—have repeatedly said they want to come together, end secret holds, and do public business in public.

At this time I would particularly like to commend my colleague from Iowa, Senator GRASSLEY, who has spent well over a decade working on this effort with me, and also single out Senator MCCASKILL from Missouri, who has done outstanding work as well mobilizing colleagues from both sides of the aisle, and who also wants to have this procedure take up less of our time. I think it is fair to say a secret hold can let the lobbyist play cloak of anonymity, but so is the lobbyist, and in effect, through secrecy, a secret hold can let the lobbyist play both sides of the street. It can give a lobbyist a victory with clients without alarming a potential or future client.

Given the number of instances where I heard a lobbyist asking for secret holds, I think it is fair to say a secret hold is in effect a stealth extension of the lobbying world.

So when you think about the powers that lobbyists already have, why in the world would you want to give them another tool, the secret hold, which could, as I have characterized it, literally be a stealth extension of the lobbyist world. I think that makes no sense at all, and I come down on the side of openness and transparency.

I congratulate my colleague, Senator GRASSLEY from Iowa, who stood with me, and Senator MCCASKILL—a big group of colleagues from both sides. On the other side of the aisle, Senator COLLINS, Senator INHOFE, and others have spent a great deal of time. Here it has been Senator WHITEHOUSE, Senator UDALL, and the presiding officer, Senator LEIBRAND—always a whole host of colleagues, Democrats and Republicans, who think it is time, when the American people are obviously so angry at the way Washington, DC, does business, to make it clear that we are all going to come together and change the practice of letting an individual Senator obstruct the people’s business in secret.

It seems to me the bottom line is a secret hold is literally an indefensible denial of the public’s right to know what is going on—all of it can be done without anybody, any colleagues in the Senate or the American people, knowing who was the secret obstructor and why they were, in fact, obstructing.

The fact is, a secret hold can effectively kill a nomination or piece of legislation.

As we have said, our big bipartisan group in the Senate repeatedly has said all of this secrecy, all of this work to know, and the public from the other side. Perhaps when there is so much frustration and anger at the way business is done in Washington, DC, the public’s right to know...
ought to be sacrosanct. Certainly, we are talking about the kind of matters Democrats and Republicans talk about all the time in public. Nobody is talking about national security or classified matters being brought out here for the kind of sunshine that I and Senator Grassley and Senator McCaskill want to bring to the Senate. This is about the people's business—legislation and nominations, those judicial emergencies and the scores of appointments that are being held up, pieces of legislation affecting millions of people and billions of dollars. It seems to me there ought to be public disclosure. There ought to be consequences if a Senator fails to disclose a secret hold.

In the interest of dealing with the crisis in our courts and the importance of bringing public business to the floor of the Senate, I hope my colleagues will come together and quickly pass the bipartisan proposal which will once and for all eliminate secret holds.

There have been past attempts. Senator Grassley and I were able, as part of the ethics legislation, to get a provision through that we hoped would make a big difference. What happened then is, the friends of secrecy went back and found other ways to get around it. It is time once and for all to make a big difference. What happened then is, the friends of secrecy went back and found other ways to get around it. It is time once and for all to make a big difference.

As Chairman Schapiro has consistently asserted, including in a letter to me over a year ago:

... the interests of long-term investors and professional traders conflict . . . the Commission's focus must be on the protection of long-term investors.

Many people have asked me why I focused so intently on the arcane details of how stocks are traded during my time as a Member of the Senate. There are several reasons. First, it is Congress' job not just to look backward and analyze the factors that brought about the last financial crisis, it is also our job to be proactive and identify brewing problems before they put us into a new financial crisis.

Second, we simply must protect the credibility of the SEC. I have had time and again that the two great pillars on which America rests are democracy and our capital markets. But there is more at stake than a structural risk that could bring our market once again to its knees as occurred on May 6. There is a real perceptual risk that retail investors will no longer believe the markets are operating fairly, that there is simply not a level playing field.

If investors don't believe the markets are fair, they won't invest in them. And if that happens, we can all agree our economy will be in serious trouble.

Third, we should have learned the lessons of the financial crisis. When we have opaque markets that are nontransparent, disaster is often not far behind. It is hardly surprising that high frequency trading would be a subject I have made a central issue that has gained increasing attention, especially since the May 6 flash crash, yet still lacks fundamental transparency, regulation or oversight.

A year ago, I wrote to Mary Schapiro, Chairman of the Securities and Exchange Commission, to outline my concerns. Seven times since then I have come to the Senate floor to talk
the “evidence” is provided by those whom the SEC is charged with regulating.

We need the SEC to require tagging and disclosure of high frequency trades and to quickly implement a consolidated audit trail so that objective and independent—in academia, private analytic firms, the media, and elsewhere—are given the opportunity to study and discern what effects high frequency trading strategies have on long-term investors.

The SEC can also help determine which strategies should be considered manipulative.

The recent “layering” case brought by FINRA against a high frequency trading firm was a good start, but much more needs to be done to end the “wild west” trading environment that is eroding market integrity.

We cannot afford regulatory capture nor can we afford consensus regulation, not in any government agency, but especially not at the SEC, which oversees such a systemic and fundamental aspect of our entire economy.

Colocation, flash orders, and naked access are just a few practices that were fairly widespread before ever being subjected to any regulatory scrutiny.

For our markets to remain credible—and it is absolutely essential that they do so—it is vital that regulators be proactive, rather than reactive, when future developments arise.

After a year of intense study by me and my staff, I sent a letter to the Securities and Exchange Commission on August 5, 2010, with my best summary of the market structure problems and potential solutions the commission faces.

I will now wait for the SEC report and findings before I add or subtract from my views, as expressed in that letter.

Though this work must be completed in my absence, I will continue to speak out on market structure issues long after I leave the Senate.

Because if we fail, if we do not act boldly, if the status quo prevails, I genuinely fear we will be passing on to my grandchildren a substantially diminished America: one where saving and investing for retirement is no longer a reasonable expectation.

For too long, many on Wall Street have urged Washington to look the other way, to accept the view that all is fine. If Wall Street does not engage honestly and constructively, then these issues must be resolved without their input, and resolve them we will.

The credibility of our capital markets is too precious a resource to squander; as I say every time I have the chance, it is a fundamental pillar of our Nation. And if it is now threatened, Congress and the regulatory agencies must remedy the problem.

We can fashion a better solution with industry input, not a biased solution, but a better solution, one that should benefit Wall Street in the long term, one that must benefit all Americans now. The American people deserve no less.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. LEVIN). The Senator from Michigan.

Mr. LEVIN. Mr. President, I come to the floor today simply to thank my friend, the Senator from Delaware, for his extraordinary work in the Senate and to make a comment on some of the things he has been working on.

Since coming to this body, Senator KAUFMAN has proven to be a tireless advocate for his State of Delaware and the country, and his remarks he just provided are further evidence of that.

Senator KAUFMAN joined us here and joined the Permanent Subcommittee on Investigations, where he and his staff dug deeply into the weeds of financial statements and e-mails in efforts that helped ferret out some of the astonishing findings of our hearings into the causes of the financial crisis. Senator KAUFMAN’s dedication and thoughtful questioning during those hearings helped expose some of the root causes and crass conflicts of interest that led to the crisis that brought our economy to its knees.

I also want to make particular note of Senator KAUFMAN’s work on high frequency trading, flash trading, and other trading market issues, where those with powerful computers are able to exploit weaknesses in our regulatory systems to their own financial advantage, while hurting long-term investors and hurting the real economy.

Senator KAUFMAN cares deeply about these issues, and he has voiced his concerns about them in this Chamber for over a year. Last year, he called for a ban on flash trading, a practice in which some firms pay for a “sneak peak,” only a few thousandths of a second long, at trades. With their computers, these firms can take advantage of that split-second head start on market-moving trades. The Securities and Exchange Commission is working on rules to ban the practice, and I join Senator KAUFMAN in urging that this practice be stopped.

Senator KAUFMAN has studied the trading markets in great detail, communicating with regulators and industry participants. He has learned that regulatory systems for monitoring trading is outdated and that the technology and capabilities of those who seek to exploit loopholes in the rules or avoid them altogether have too often outpaced those tasked with their oversight.

Senator KAUFMAN has come to this floor many times over the past several months to warn us of the risks of our current trading market structure, and of Senator KAUFMAN who will soon be departing this body, we must continue his work so that those who seek to exploit our markets to the detriment of long-term investors and the real economy will not be able to do so without a battle from the Senate.

Senator JACK REED is committed to doing just that. He held a hearing in May shortly after the flash crash in which he looked into the causes of the crash. I will join him and others and do all we can to respond to these high-tech threats to market fairness and transparency.

The world of trading stocks, bonds, commodities, and other financial instruments today travels at the speed of light. There are those who invest for the long haul, investing in companies and products they expect to do well for some time. They drive our economy. But then there are those who seek to “in" moting volatility and undermining the integrity of those markets.

As Senator KAUFMAN said, we owe it to the millions of families who have
their savings in the markets and to the businesses that rely on the markets for the capital they need to survive and grow to make sure our markets function properly. I applaud Senator KAUFMAN for his extraordinary work on these issues and other issues in the Senate. I thank him for his service. One way for us to recognize that service is to continue his quest for more fair and transparent markets.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

THE SHERERS: ADOPTION ANGELS

Mr. JOHNS. Madam President, Scott and Nicole Sherer, of Lincoln, NE, are extraordinary Nebraskans who opened their hearts and homes to four beautiful children in need of parents. This is a tale of love, devotion and caring.

In 2007, Nebraska officials found a young boy named Darren, developmentally disabled—a victim of neglect. The State removed Darren from the household and began to search for a foster family. They didn’t have to search far because Nicole and Scott Sherer were happy to take him into their home.

The following year, a little girl named Mariah was found to be a shaken baby and was taken to Children’s Hospital.

Mariah’s brother Christian was also removed from the home and the State again looked for a healthy home. Once again, the Sherers did not blink. Two more children needed parents; they needed a home. Two more children found their family.

And this exceptional family still had more room in their hearts and their home.

Two years later, Darren’s sister Desiree was born and was delivered to the Sherers’ hospital.

They formally adopted Christian and Mariah in April 2009 and then adopted Darren and Desiree in July 2010.

During this time, they were able to provide a safe, healthy home for a fifth little boy until a permanent home could be found. The family was able to keep the biological siblings together and provide a loving home for four children.

And the new family began their lives together.

Nicole and Scott recently celebrated their seventh wedding anniversary. They have taken in four children in need and consider themselves to be blessed. I have great admiration for foster and adoptive parents, and I was thrilled to nominate Nicole and Scott Sherer as Adoption Angels.

Their commitment to care for these four children, to give love freely, is an inspiration for all. It is my hope that their example will inspire other couples to open their hearts and homes to children awaiting adoption.

May God bless Nicole, Scott, Darren, Desiree, Christian, and Mariah, as well as all adoptive parents who give children the gift of a loving family.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REED. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

(The remarks of Mr. REED are printed in today’s RECORD under “Morning Business.”)

Mr. REED. Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. REED are printed in today’s RECORD under “Morning Business.”)

Mr. SCHUMER. Madam President, I am pleased to join my colleagues, Senator WEBB, in discussing serious concerns with Chinese economic and foreign policies and their impact on the United States, U.S. companies, U.S. workers, and U.S. citizens.

Earlier, we were supposed to speak together, but the vicissitudes of the floor broke us up. Earlier today, my esteemed and erudite colleague, Senator WEBB, gave an excellent address, which I hope my colleagues will read, about how China is simply taking advantage in the global economy. They are pursuing policies that just move forward without any concern for the world community, for peace, for com-

ity. It seems China is first, second, and third.

Unfortunately, they are doing the same thing in the economics sphere. I have been working with colleagues such as Senators STABENOW, BROWN, BAYH, and GRAHAM to try and reverse this situation.

I rise to speak about what many of us consider the biggest sticking point in U.S.-Chinese relations: Chinese overt and continuous manipulation of its currency to gain a trade advantage over its trading partners.

The Economic Policy Institute estimates that 2.4 million American jobs were lost or displaced in manufacturing and other tradable industries between 2001 and 2006 as a result of increased trade with China and the Chinese Government’s manipulation of currency. New York has suffered some of the biggest losses with over 140,000 workers displaced over the past 10 years.

Accession to the WTO was supposed to bring China’s policies in line with global trade rules meant to ensure free but fair trade. Instead, China has flouted these rules to spam autonomy and export-oriented growth at the expense of its trading partners, including the United States. Clearly, our relationship in the economics sphere, as well as the foreign policy sphere and diplomatic sphere, with China needs fundamental change.

I say that loudly and clearly to the Chinese because they seem to think we are patsies. Past policies might give some corroboration to that view. Let me explain.

Six years ago, Senator GRAHAM and I came up with the idea of doing something about manipulation of currency. At first everyone said: Oh, no, this is not a problem. There were editorials in both the Wall Street Journal and New York Times that said it is OK for China to peg its currency. We were attacked from the far right and the far left and many others.

Now, at least we have made some progress. Everyone admits it is a problem. Now that we have consensus—quite broad consensus—that this is a problem, this is wrong, this is unfair, the fundamental question hangs out there: Who is going to fix this problem and how?

The administration continues—this administration, and I say that as someone who is a supporter, who continues to have hopes of a change. This despite the fact that years of meetings and discussions with this administration and the previous administration have repeatedly failed to produce any lasting, meaningful results.

It has been 3 months since China announced it would allow its currency to appreciate, and I may add that it is much less than we need. Unfortunately, the Chinese are continuing to peg their currency, and I am pleased to work with our colleagues to address this problem.

President Obama met with Chinese Premier Wen last week to urge quicker
evaluation of his country’s currency. He got nothing, nothing—a big goose egg—for his efforts. It is not his fault; it is the fault of the Chinese. But when are we going to change things?

According to news reports, Premier Wen gave a standard response about gradual reform. The upcoming G20 summit in Seoul looks similarly devoid of possible progress on this issue. News reports suggest that none of the other countries are willing to push China on this issue.

Each time I have pushed the administration to take a tougher stance against China’s manipulation of currency; each time they have vowed to do so. It is plain and simple: It is not working. China is merely pretending to take significant steps on its currency. This sucker’s game is never going to stop unless we finally call their bluff.

China’s mercantilist policies continue to undermine the health of many U.S. industries that inject billions of dollars into our economy and employ hundreds of thousands, millions of American workers. We have to do something about it—something real.

Last week, the House Ways and Means Committee voted out a bill that clarifies countervailing and antidumping duties can be imposed to offset the effect of under-valued currency. I applaud Chairman Levin for taking a concrete step toward addressing the persistent imbalance created by China’s undervalued currency. Effective enforcement of our trade laws is one tool the administration can and should use to counter China’s mercantilist currency policies.

But the administration could use more than one ace up its sleeve. And that is what my bill, introduced with Senators Stabenow, Graham, Brown, Brownback, Webb, Snowe, and others—bipartisan, across the political spectrum—would provide.

The bill gives the administration additional and powerful tools to adopt appropriate policies to eliminate currency misalignment and includes tools, including the use of the countervailing duty law, to address the impact of currency misalignment on U.S. industries.

I call on the administration to support our legislation to address China’s mercantilistic exchange rate policies. We must stand up for American manufacturers, American workers, and American jobs. We must have to prevent our flow of billions of dollars out of our country—wealth we will never recover—every quarter as long as the Chinese continue this policy.

Critics of our bill say it would start a trade war with China, but that is not right because active State-owned companies are already fighting a war for survival in China—battling market access limitations, intellectual property theft, indigenious innovation policies, and unfair competition from heavily subsidized enterprises. When are we going to learn?

Critics of our bill say it will not solve the trade deficit with China. We have never claimed it will totally solve the deficit, that is for sure. The bill is about fair trade. The bill is about a ceramics manufacturer in upstate New York that has developed a great new product that can clean the air as it goes through our new generator turbine. The product is now being manufactured in this country—wealth we will now sell back to the United States at a 30-percent advantage. You can’t even measure the loss we face because of China’s unfair policies on currency.

Yes, critics of our bill have said it will not solve the trade deficit, but as I said, this has never been the claim. It will reduce the trade deficit, without doubt. It will keep wealth in the United States, it will keep American jobs, and it will restore some equilibrium to the American economy and the world economy.

Other critics have said China could retaliate by selling some of the trillions of dollars of Treasurys they currently hold, but we know this will not happen. China is not going to cut off its nose to spite its face. Its major wealth asset they are going to devalue? Hello, as my kids might have said when they were younger.

We need to take a decisive step against China’s currency manipulation and other economically injurious behavior. We have no choice but to defend and protect U.S. jobs and the U.S. economy unless and until China starts behaving like the international, law-abiding, global, emerging power it seems to be recognized as. Once and for all I say to those in the ivory towers who love to look down upon us but who don’t look at the facts, the issue is not U.S. protectionism; the issue is China’s flouting the rules of free trade in almost every sphere and never budging unless they are pushed to.

This is one reason why when the Senate reconvenes later this year, my colleagues and I intend to move forward with the legislation to provide specific consequences for countries that fail to adopt appropriate policies to eliminate currency misalignment and give the administration the additional tools it needs to address the impact of currency misalignment on U.S. industries.

I say to those at the other end of Pennsylvania Avenue, as well as in Beijing, this issue cannot wait for another year. It cannot wait for another new Congress. If I am correct, this bill will pass the Senate with overwhelming support.

Let me conclude by noting that over the past 6 years, my colleagues and I have been sending a message to the Chinese Government about their exchange rate policies and other WTO-inconsistent behavior, but apparently they refuse to listen. Ultimately, if you refuse to play by the same rules as everyone else, we will hold you accountable. Chinese currency manipulation was widely perceived as good for economic times, but at almost 10 percent unemployment, we can’t stand for it. There is no bigger step we can take than to confront China’s currency manipulation.

Praise God, this is not a Democratic or Republican issue. We have broad bipartisan cosponsorship of our legislation. No one is seeking to gain political advantage. We are simply seeking to reform our economic fate. Every single one of us has manufacturers that are struggling to compete at home and abroad with Chinese exports with a built-in 20- to 40-percent price advantage. This is not about bashing China; it is about defending the United States and the American workers before it is too late—before the loss of jobs and wealth that flows out of this country is almost irreparable. I call on my colleagues to join in the defense.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll. Mr. INHOFE. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. I ask unanimous consent I be recognized as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENVIRONMENTAL OVERREGULATION

Mr. INHOFE. Madam President, I released today a minority staff report of the Senate Committee on Environment and Public Works. When Republicans were in the majority I chaired the committee and now I am the ranking member, minority member. We have been concerned for quite some time now that the heavy-handed overregulation we are getting from the Environment and Public Works Committee is taking its toll on American jobs. So we released this and documented a report that examines the impact on jobs and the built-in 20- to 40-percent price advantage the Chinese have from these EPA rules and EPA regulations.

We are covering four areas. The focus is on the boiler MACT regulations, the revised National Ambient Air Quality Standards for ozone—we are all concerned about that—I notice the new cement MACT regulations, and the endangerment findings. These are just four rules that are costing us a lot of jobs.

There are many others we could be talking about, in fact we are going to be talking about in the near future: standards for cooling water intake structures at powerplants, National Ambient Air Quality Standards for dust and particulate matter—actually, they are talking about doing one now for farm dust. I am from Oklahoma. A lot of people back here don’t understand when you grow something you have to grow it in dirt. When the wind blows that is dust, but you can’t regulate it. But they think they can—their goal is to make life almost impossible for coal-fired powerplants and refineries, and the rules governing disposal of coal combustion waste.
What does it all mean? The American Forest and Paper Association estimates, and I am quoting them: “...about two dozen new regulations being considered by the Administration under the Clean Air Act, if all are promulgated, potentially could impose on the order of $37 billion in new capital costs on papermakers and wood products manufacturers in the next five to eight years alone.

That is just for one industry. You have all the other industries that will be affected.

Before I begin, let me say the Clean Air Act was a success. I have always been a supporter of the results of the Clean Air Act. We now have cleaner air from cars, from factories, and powerplants. It has been very successful. In fact, when we were a majority and I chaired that committee, we had the 3P regulations, we had the Clean Skies regulations we tried to promulgate—we have been attempting to do this for a long period of time. However, if we are going to be competing with other countries, this overregulation is going to do nothing but send our jobs to places such as China and India and Mexico.

Of the four areas I mentioned, the first is the MACT. The proposal means maximum achievable control technologies. Forget about that, just call that regulation.

The first one, the regulations, would be the boiler MACT. It would impose stringent limits on $37 billion in new capital costs on boilers and process heaters.

The proposed rule covers industrial boilers used in manufacturing, processing, mining, refining, as well as commercial boilers used in malls, laundries, apartments, restaurants and hotels. The Industrial Energy Consumers of America, which represents companies with 750,000 employees, said they are “enormously concerned that the high cost” of the boiler regulations will leave companies no recourse but to shut down the entire facility, not just the boilers. This is what the econometrics firm IHS-GlobaInsight found in its analysis of the EPA’s proposal, just the one proposal. They concluded that the proposal could put up to 798,000 jobs at risk. Moreover, they said every $1 billion spent on upgrade and compliance costs will put up to 16,000 jobs at risk, which make the U.S. GDP by as much as $1.2 billion.

The EPA’s pending boiler regulations also threaten my home State of Oklahoma. We have one group, a company called Covanta Energy, which in 2008 reopened the Walter B. Hall Resource Recovery Facility, a waste-to-energy plant.

This happened, actually, when I was mayor of Tulsa many years ago. We had two great needs: one to dispose of waste and the other to create energy. So we were one of the first waste-to-energy plants in America. It was done back in the early 1980s when I was mayor of Tulsa. This is something that has been working out and working successfully. But they are saying it could threaten the viability of this operation, and it is not just in my State of Oklahoma but all over the country.

These concerns are shared by 40 of my colleagues, including 18 Democrats, who wrote Lisa Jackson—she is the Administrator of the Environmental Protection Agency—a letter. Keep in mind, half of these are Democrats.

As our Nation struggles to recover from the current recession and deeply concerned that the pending Clean Air Act boiler MACT regulations could impose onerous burdens on U.S. manufacturers, leading to the loss of potentially high-paying jobs, this sector provides. As the national unemployment rate hovers around 10 percent, and federal, state and municipal finances continue to be in dire straits, our country should not be jeopardizing thousands of manufacturing jobs.

That is a quote from a letter, half Democrats, half Senators, 40 of us, to Lisa Jackson of the Environmental Protection Agency.

Just in the area of boiler regulation, one of the four I am going to talk about, potentially 1 million jobs could be lost. This is the problem we are having with the overregulation in this country. We have two major problems: overregulation and the fact we are not developing any power anymore, we made it so difficult. We have not had a new coal-fired powerplant in this country for quite some time. Yet China is cranking out two of them every week. This is our competition over there.

The second area is ozone. On January 6 of this year, for the second time in less than 2 years, the EPA proposed tightening the NAAQ standards for ground level ozone. Specifically, the EPA is proposing to strengthen the 8-hour “primary” ozone standard. The EPA estimates that setting the primary standard within its proposed range will cost between $19 and $30 billion. There are two major problems: overregulation and the fact we are not developing any power anymore, we made it so difficult. We have not had a new coal-fired powerplant in this country for quite some time. Yet China is cranking out two of them every week. This is our competition over there.

The cement industry is essential to America’s economy. According to a study by the Maguire Energy Institute at SMU, the cement manufacturing industry in 2008 produced $27.5 billion in GDP, $831 million in indirect tax revenues for State and local governments, and sustained 15,000 high-paying jobs.

Based on the 2008 air quality data, we could see as many as 608 new nonattainment areas, with many of them highly concentrated in manufacturing regions, in States relying on coal for electricity.

What does the nonattainment mean? For local communities, such as my communities in Oklahoma, it can mean new permitting decisions, such as an additional emission limitation, including plant closures; loss of Federal highway and transit funding; increased EPA regulation and control over permitting decisions; increased costs for industrial facilities to implement more stringent controls; and increased fuel and energy costs.

In my State of Oklahoma, at least 15 counties would face new restrictions right now, under the 2008, and there are two counties that would be out of attainment. All these things would happen. You can’t go out and recruit industry, they close down a lot of industries there now. I have listed in these remarks that will be part of the RECORD 15 counties in my State of Oklahoma that could be facing these new restrictions.

We all support cleaner air, but here is where the Obama EPA and I disagree. It should not come at the expense of people’s jobs or the economy. Apparently, I am not the only one thinking this.

On August 6, 2010, a bipartisan letter—this is the third one I am mentioning now—was sent to the EPA Administrator on the Agency’s ozone reconsideration. It was signed by Senators Voinovich, Bayh, Lugar, Landrieu, Vitter, McCaskill, and Bond. That is an equal number of Democrats and Republicans. They said:

While we believe we can and should continue to improve our environment, we have become increasingly concerned that the Agency’s environmental policies are being advanced at the detriment of the people they are intended to protect. That is, these policies are impacting our ability to live and compete in a drastically increasing energy costs and decreasing the ability of our states to create jobs. They can stifle entrepreneurship, and give manufacturers the ability to compete in the global marketplace.

Again, that was just one of these four areas.

The third one would be the Portland cement regulations. This third rule is another regulation having to do with cement. According to the EPA, “a projected 181 Portland cement kilns will be operating at approximately 100 facilities in the United States by the year 2013.” The EPA’s new emission standard under section 112 of the Clean Air Act will apply to 158 of that 181. About 7 kilns will be subject to the EPA’s new source performance standards under section 111 of the Clean Air Act.

The cement industry is essential to America’s economy. According to a study by the Maguire Energy Institute at SMU, the cement manufacturing industry in 2008 produced $27.5 billion in GDP, $831 million in indirect tax revenues for State and local governments, and sustained 15,000 high-paying jobs.

In addition to those 15,000 direct jobs, the industry has an “induced employment” effect, which helps create and sustained 15,000 high-paying jobs.
sustain an additional 153,000 jobs. “Importantly,” the Maguire Energy Institute noted “these are primarily high-wage jobs generating about $7.5 billion annually in wages and benefits.”

According to the Portland Cement Association, the EPA’s regulation puts up to 18 cement plants at risk of shutting down, threatening nearly 1,800 direct jobs and 9,000 indirect jobs, accordingly. I might add, one of these would be in my State of Oklahoma. These jobs were already in jeopardy were it not for the production that would go to China. That is what a professor from King’s College in London said about the EPA’s rule—coming from London:

“...and never forget because right before I went over to Copenhagen in December, we had a hearing in the Environment and Public Works Committee, and we had Lisa Jackson—I have a great deal of respect for her—before the hearing. I said: Madam Administrator, I suspect that when I leave for Copenhagen tomorrow, you are going to have an endangerment finding.

An endangerment finding is a finding that will allow them to promulgate rules to do what they failed to be able to do in legislation.

I said: And to do that, it is going to have to be based on some science. What science would that be based on?

She said: Primarily, the science that came from the United Nations.

And the IPCC—since that time, there has been considerable—told the truth about how they have been trying to check the science over that period of time. So this is one that is really very serious.

But the U.S. Chamber found that if they did not do it in an existing and use the emissions, it would affect 250,000 office buildings, 150,000 warehouses, 92,000 health care facilities, 71,000 hotels and motels, 51,000 food service facilities, 37,000 churches and other places of worship, and 17,000 farms. That is because they would be falling under the category—the 250 tons of emissions of CO2 per year.

The greenhouse gas regulations will mean higher energy costs for consumers, especially for minorities and the poor.

I had the Catholic Charities in my office today. We had, actually, the man, who I learned just died this last week, and the poor.

The rule discussed is the endangerment finding. As I have documented on the floor before, the EPA promulgated its endangerment finding on greenhouse gases in December of 2009, which I said could lead to the greatest bureaucratic intrusion into the lives of the American people. It would trigger costly, time-consuming new requirements for new and modified stationary sources for greenhouse gases such as power-plants, factories, and refineries. The rule discussed is the endangerment finding. As I have documented on the floor before, the EPA promulgated its endangerment finding on greenhouse gases in December of 2009, which I said could lead to the greatest bureaucratic intrusion into the lives of the American people. It would trigger costly, time-consuming new requirements for new and modified stationary sources for greenhouse gases such as power-plants, factories, and refineries.

So the problem with this is that when the Obama administration saw that Congress was not going to do these very punitive tax increases called cap and trade, they decided they were going to try to do it through regula-
Today, we have the opportunity to help a great number of species. One bill ready for action, the Shark Conservation Act, will improve Federal enforcement of an existing prohibition on the killing of sharks just for their fins. Because of a loophole in the existing law, animals are caught, their fins are cut off, and the dismembered shark is sent back into the ocean to die. But they don’t just die, they suffer a horrible and protracted death—all of that cruelty for a bowl of soup.

Another important bill is the Marine Mammal Rescue Assistance Act, which will strengthen programs that provide emergency aid to seals, whales, and other marine creatures that get struck by boats or tangled in fishing lines. This happens all the time.

Other bills, such as the Crane Conservation Act, the Great Cats and Rare Canids Act, and the Southern Sea Otter Recovery Act, will protect some of the most rare and remarkable creatures anywhere on Earth. Without our help, many of these creatures could disappear within a generation.

I also wish to draw attention to the efforts of Senators Merkley and Kyl today to clear an important bill that will allow practicing animal crush videos. The law we passed in 1999 outlawing these videos is hard for me to comprehend what some people do. They torture animals and take pictures of them and sell these pictures. There are people sick enough to want to watch a little animal or a big animal be crushed and killed. They call them animal crush videos. The law we passed in 1999 outlawing these videos was struck down by the Supreme Court in April of this year. Senators Kyl and Merkley have worked to write a more narrowly tailored bill that respects the first amendment while still punishing those who seek to profit from the torture of puppies, kittens, and other helpless animals.

As I understand it, the Supreme Court said you can’t stop people from buying these videos to watch. But we can stop people from doing these terrible things that people want to watch.

I hope we can work these out and pass these by unanimous consent. Why do we need debate on these issues? These are good bipartisan bills that deserve to be passed.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. Reid. Mr. President, I ask unanimous consent that on Wednesday, September 29, at 10 a.m., the Republican leader is designated to be recognized to move to proceed to the consideration of S.J. Res. 39, a joint resolution providing for Congress’s disapproval under chapter 8 of title 5 United States Code of the rule relating to the regional tobacco treatment plan under the Patient Protection and Affordable Care Act; that there be 2 hours of debate on the motion to proceed, with the time equally divided and controlled between the leaders or their designees; that upon the use or yielding back of time, the Senate proceed to vote on the adoption of the motion to proceed; that if the motion is successful, then there be 1 hour of debate with respect to the joint resolution, with the time divided as specified above; that upon the use or yielding back of time, the joint resolution be read a third time and the Senate then proceed to vote on passage of the joint resolution; provided further that if the motion to proceed to the joint resolution is defeated, that no further motion to proceed to the joint resolution be in order for the remainder of this Congress; further, that no amendments or any other motions be in order to the joint resolution, and that all other provisions of the statute governing consideration of the joint resolution remain in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S.J. RES. 39

Mr. DURBIN. Mr. President, I ask unanimous consent that on Wednesday, September 29, at 10 a.m., the Republican leader is designated to be recognized to move to proceed to the consideration of S.J. Res. 39, a joint resolution providing for Congress’s disapproval under chapter 8 of title 5 United States Code of the rule relating to the regional tobacco treatment plan under the Patient Protection and Affordable Care Act; that there be 2 hours of debate on the motion to proceed, with the time equally divided and controlled between the leaders or their designees; that upon the use or yielding back of time, the Senate proceed to vote on the adoption of the motion to proceed; that if the motion is successful, then there be 1 hour of debate with respect to the joint resolution, with the time divided as specified above; that upon the use or yielding back of time, the joint resolution be read a third time and the Senate then proceed to vote on passage of the joint resolution; provided further that if the motion to proceed to the joint resolution is defeated, that no further motion to proceed to the joint resolution be in order for the remainder of this Congress; further, that no amendments or any other motions be in order to the joint resolution, and that all other provisions of the statute governing consideration of the joint resolution remain in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

NEVADA OPERA THEATRE

Mr. Reid. Mr. President, I rise today to recognize the 25th anniversary and great impact of the Nevada Opera Theatre in Las Vegas, NV. A pillar in the arts, education and entertainment in southern Nevada, we are proud of the Nevada Theatre Opera and its many achievements since inception. It is my great pleasure to honor this fine institution along with its participants, patrons and volunteers here before the U.S. Senate today.

Known as a global center of entertainment and the arts, Las Vegas, NV, enjoys an incredible atmosphere of music and theatre. Eileen Hayes desired to add the immense impact of opera to this reputation and realized her dream with the formation of the Nevada Opera Theatre in October of 1985. She brought opera music and performance to southern Nevada. Her work has been instrumental, and since the first performance in August of 1986, audiences have been captivated by productions including: La Boheme, La Traviata, Tosca and Die Fledermaus, to name a few.

The theatre continues on today as the major nonprofit opera company in southern Nevada. Comprised of Nevada Opera Theatre artists, chorus, and children’s chorus and orchestra, membership surpasses 120. Many of the included artists are nationally and internationally recognized, while others are talented local performers. All artists exude an excellent caliber or professionalism in the development of their craft.

As I have previously mentioned, these citizen performers not only entertain. Opera Outreach has performed for over 115,000 Clark County School District and private students, touching a great many lives in the ongoing education of our youth. Everyone is invited to participate by either joining the theatre or becoming a patron, making easy the education all the more tangible. Outreach encompasses not only programs in the schools but additional programming in local malls, hospices, hospitals, and for civic and community organizations.

To join with my fellow Nevadans in honoring the Nevada Opera Theatre for its 25 years of service. Now well into its third decade, this institution has worked to bring a knowledge and appreciation of music to the people of southern Nevada, and I have no doubt that our institution will continue to expand to come. I am grateful and honored to recognize the 25th anniversary of the Nevada Opera Theatre.
TRIBUTE TO JUDGE JOHN MENDOZA

Mr. REID. Mr. President, I rise before the Senate today to call attention to one of Nevada’s finest advocacy programs. This year marks the 30th Anniversary of the Court Appointed Special Advocate Program, CASA. In Clark County, NV, the CASA program became a reality as a direct result of the efforts of Judge John F. Mendoza. Today I ask my colleagues to join with me in applauding the noble deeds performed by Judge Mendoza and the CASA Program.

Born and raised in Las Vegas, NV, John received his juris doctor degree from the University of Notre Dame in 1952. After returning to Nevada, he eventually served as Clark County district attorney, North Las Vegas city attorney, and Justice of the Peace of Las Vegas Township. His Honor was elected to district court judge of the State of Nevada, a position he held for 24 years. Judge Mendoza served as president of the National Council of Juvenile and Family Court Judges.

During his career, Judge Mendoza recognized the desperate need for skilled and timely decisionmaking in the lives of neglected and abused children, not only in Nevada but across the country. He used his knowledge, passion, and energy to educate and extract a level of excellence when dealing with caseworkers, parents and court proceedings in regard to appropriate needs evaluation and placement. He demanded a clear vision of roles and procedures. He held caseworkers responsible to the children they represented and answerable to the court for decisions they made.

Judge Mendoza recognized the lack of quality in the court process and did not tolerate the unfortunate delays in court hearing dates which often resulted in children literally growing up without permanent homes. As a result, Judge Mendoza championed national guidelines for improving court practices in child protective cases. He helped to establish methods for monitoring court schedules to prevent unnecessary delays and to control continuances. He urged competent representation through the CASA and guardian ad litem programs. Through his tireless efforts, families courts began to take into account not only the children’s rights but also the emotional impact of separation.

A lifetime of dedication to the rights of the children of Nevada and beyond has resulted in a national program that engages volunteers to be a voice for neglected and abused children. Each CASA volunteer in turn has an opportunity to walk in the footsteps of Judge John Mendoza in making a meaningful and constructive difference. Those footsteps lead to protecting and preserving the rights and interest of children who are neglected, abused, and living in their own homes; to insuring that all aspects of the family court system perform in a child’s best interest and secure a safe and permanent home for that child.

I am deeply grateful for the work performed by CASA and its many volunteers. The chance to advocate on behalf of someone in need is the greatest opportunity afforded to those who serve the CASA program. I stand before the Senate today and thank the CASA program and Judge Mendoza for these 30 years of remarkable service.

TRIBUTE TO CHIEF JUSTICE JEFF AMESTOY

Mr. LEAHY. Mr. President, this summer, Marcelle and I were honored to be at the Vermont Supreme Court with former Supreme Court Justice Jeff Amestoy, his wife Susan, and their daughters. Like all Vermonters, I have respected his tenure, both as attorney general and as chief justice, as both exemplary. While the portrait captures the image of the Jeff Amestoy I know and admired (his words are what should be read by everyone who cares about our judiciary), Jeff’s commitment to the law, our justice system, and our sense of what makes Vermont the State we love is in his words. As a result of the work he asked me for a copy, and I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD.

REMAR克斯 OF CHIEF JUSTICE JEFF AMESTOY (RETIRED) AT PORTRAIT CEREMONY

VERMONT SUPREME COURT
(Montpelier, VT, Aug. 13, 2010)

Governor Douglas, Senator Leahy, Chief Justice Reiber, family and friends:

Thank you for the honor you do me by attending this ceremony. Thank you Justice Burgess for your generous introductory remarks. Brian Burgess served as Deputy Attorney General when I was Attorney General. I doubt that either of us could have foreseen this day but here we are together again. History may not repeat itself, but it sometimes rhymes.

Thank you Kenneth McIntosh Daly—artist, rancher, and friend who has once again made the trip from California to Vermont. And thank you to my daughters Katherine, Christina, and Nancy for the unveiling.

This September I begin my seventh year as a Fellow at the Harvard Kennedy School nearly as long as I served on the Supreme Court of Vermont.

For those of you wondering how a Harvard Fellow spends his time, I have spent the better part of the last two years living in the nineteenth century—more precisely in the Boston of the decade before the Civil War.

It was a time when a young man working as a waiter in a coffee house, or a clerk in a clothing store, could be seized by agents of the United States Government, brought before a Judge, and under the provisions of the new Fugitive Slave Law (where no process was due), be sent back into slavery.

Contrary to what I thought I knew about American history, Boston in the period leading up to the Civil War, was in the words of Charles Francis Adams, Jr., “almost awfully virtuous.” A later commentator, a man who was not a time” wrote Emerson, “when judges, bank presidents, railroad men, men of fashion, and lawyers universally all took the side of slavery.”

Well, almost all. I am interested in understanding how a society, and particularly the legal establishment, was transformed from the beginning of the decade when Daniel Webster said “no lawyer who makes more than $40 a year is against the Fugitive Slave Law” to the end of the decade when lawyers literally went to war against it.

My window on that time, curiously enough, opened when I saw a portrait of a lawyer of that period.

So this day, for many reasons, has prompted me to look to a future as far removed from us today as the Boston of 1850. A century from now when each of us will be some one’s memory, there will be, I trust, remembrances of things past.

In some building if not this one, there will be a wall where portraits of forgotten Chief Justices still hang—or where an enterprising curator has retrieved old paintings and artifacts for an exhibit of our times.

And on some class field trip (for those who will always be with us), among a group of very bored students, the tale of how the world is lucky to still have teachers as inspiring as Mrs. Amestoy, a bright, curious student who will pause in front of this painting. This will not, of course, be the subject of its beauty, but as she looks through the window in the portrait, she will see Mr. Mansfield. And the window of the painting will begin to open for our young scholar.

Our young historian will immerse herself in the flood of newspapers, opinions, and books of those long ago days at the beginning of the twenty-first century. On the basis of the documentation and her own insight, she will attempt to bring to life the context and passion when the social changes were so profound that even on our own time scholars characterized the upheaval as “The Great Disruption.”

Look to this window as we do to a window of the past.

If our young scholar has had a history teacher as good as Mr. Remington, she will know she cannot rely on a single perspective. (In any event, my autobiography, The Indispensable Man, will long be out of print). But our future historian will be struck, as many historians have been, by the disproportionate impact Vermont has had on America. It is when that debate is conducted with respect and resolved in humanity.

If the Vermont of the twenty-second century is as blessed as ours, there will still be a justice system that “speaks for principle and lists for change.” If the Vermont Supreme Court is the site of a presidential campaign; another whose exemplary service forms the foundation of the twenty-first century reflected the virtues Vermont’s eighteenth century constitution calls “absolutely necessary . . . the firm adherence to justice, temperance, industry, and frugality.”

Our historian will read of an opinion of the Vermont Supreme Court that framed a debate for a nation. And of the people of Vermont who demonstrated what the result is when that debate is conducted with respect and resolved in humanity.

If the Vermont of the twenty-second century is as blessed as ours, there will still be a justice system that “speaks for principle and lists for change.”
hear those fundamental principles resonate as clearly as we hear them resonate today."

I am optimistic about that future. How could I not be with these daughters? This being, of course, it is actually hung may gather dust well into the next century. As school field trips will endure, I am confident that so too will the duty of new law clerks to conduct students on tours.

To the question: "Who is that in the painting?" I trust that current and future clerks will always know the answer is: "A Vermonter."

ROBERT C. BYRD MINE AND WORKPLACE SAFETY ACT

Mr. HARKIN. Mr. President, I rise to express my strong support for the Robert C. Byrd Mine and Workplace Safety Act. This bill establishes vital new workplace safety measures and it deserves consideration here on the Senate floor.

In 2009, there were 4,340 workplace fatalities. In my home State of Iowa, 78 people were killed on the job. This year, we have already witnessed the horrific mine catastrophe that killed 29 people in West Virginia, the fire at the Tesoro refinery in Washington State that killed 7 workers, and the BP Deepwater Horizon platform explosion that killed 11 people and was an environmental catastrophe for the Gulf of Mexico.

As the son of a coal miner, I feel these losses very deeply, on a very personal level. My heart goes out to the family and coworkers of every worker who is killed or injured on the job. Too many of these tragedies are preventable, and we should not rest until the day that no hardworking American has to sacrifice his or her life for a paycheck.

History teaches us that stronger laws protecting worker safety make a big difference. Current laws are not doing the job. That is why I strongly support the Robert C. Byrd Mine and Workplace Safety Act, which would make long overdue improvements to our workplace safety laws and save the lives of many thousands of hardworking Americans.

For months, we have been negotiating with Republicans trying to agree to a bipartisan bill that improves workplace safety. I think it is fair to say there have been setbacks in our discussions recently, but we want and intend to keep working with our Republican colleagues to craft a bipartisan bill—in this Congress or early in the next—that we can get to the President's desk.

This has been a long and difficult process as we try to reconcile policy differences between Democrats and Republicans on these important issues. Nevertheless, we will keep working to bridge those differences because it is critical that we find a way to agree on legislation that is consistent with certain core principles:

Every American deserves to go to work without fearing for his or her life; Responsible businesses that put safety first shouldn't have to compete with businesses that prioritize a quick buck over the safety of their employees; Employers who put workers' lives at risk should face serious consequences that will force them to change their ways.

Companies shouldn't be able to hide behind high priced lawyers and convoluted corporate forms to avoid being held accountable for their actions; Critical agencies charged with protecting workers' lives should have all the tools they need to get the job done; and Whistleblowers are the first line of defense in safe workplaces, and deserve strong protection from discrimination and retaliation.

While there may be many ways to achieve these goals, the Robert C. Byrd Mine and Workplace Safety Act clearly reflects these core principles, and its passage would be a major step forward for workplace safety. That is why I am proud to be a cosponsor of the bill, and that is why I would ask my Republican colleagues to give us an opportunity to debate this legislation on the floor.

This bill is common sense reforms to the Occupational Safety and Health Act, which has not been significantly updated since it was passed 40 years ago. For example, whistleblower protection under the act is too weak, providing little against workers who risk their lives to protect the public welfare. This bill makes essential changes to ensure that workers are protected, including lengthening OSHA's 30-day statute of limitation for whistleblowers, providing for reinstatement while the legal process unfolds for cases with an initial finding of merit, and giving the worker the right to file their own claim in court if the government does not investigate the claim in a timely manner.

The bill also strengthens criminal and civil penalties that, at present, are too weak to protect workers. Under current law, an employer may be charged—at most—with a misdemeanor when a willful violation of OSHA leads to a worker's death. Under the Robert C. Byrd Mine and Workplace Safety Act, felony charges are available for an employer's repeated and willful violations of OSHA that result in a worker's death or serious injury. The bill also contains a provision which have been unchanged since 1990, and sets a minimum penalty of $50,000 for a worker's death caused by a willful violation.

In addition to toughening sanctions for employers who needlessly expose their employees to risk, the bill makes sure that the government is responsive to the worker when investigating the charges. It guarantees victims the right to meet with the person investigating the claim, to be notified of and receive copies of reports or citations issued in the investigation, and to be notified of and have the right to appear at proceedings related to their case.

Victims of retaliation should not suffer the double indignity of being ignored by government officials charged with protecting them.

The bill also makes critical changes in our mine safety laws. We still don't know exactly what caused the tragic death of 29 miners at Upper Big Branch, but we do know that the mine had an appalling safety record, and that the tragedy might have been prevented had the Mine Safety Health Administration, MSHA, had effective tools to target such a chronically unsafe mine.

We have provisions in our laws that are supposed to target repeat offenders—called the "pattern of violations" process—but this system is broken and badly needs to be revamped.

As bad as Upper Big Branch's record was, the law has been interpreted to allow it to continue operating without "pattern of violation" treatment as long as its operators can reduce their violations by more than one third in response to a written warning. With a record as spotty as Upper Big Branch's, a partial reduction in its numerous citations is hardly a sign of a safe mine, and it should not be a "get out of jail free" card to escape the intent of the law.

Operators are also finding creative ways to ensure that the system cannot work as Congress intended. Some companies file pattern of violations only to languish on "pattern of violation" status and avoid paying legitimate penalties by contesting nearly every citation that is assessed against them. Because MSHA uses only final orders to establish a pattern of violations and there is a substantial backlog of cases the Federal Mine Safety and Health Review Commission, repeat offenders are able to evade pattern of violations status by contesting large numbers of violations. At the Upper Big Branch coal mine, for example, Massey contested 97 percent of its "significant and substantial" violations in 2007. These appeals can take up to three years to resolve, virtually guaranteeing that mines are never placed on pattern status.

MSHA needs to be able to respond to safety concerns in real time, not 3 years later. This legislation changes the pattern of violation system so that MSHA will be able to address unsafe conditions which they occur, and gives violators by more than three times the time it needs to put dangerous mines back on track.

Let me respond to recent suggestions that Democrats have been playing political theatre with important safety and health legislation. We want to pass bipartisan legislation based on a shared commitment to workplace safety. I am thoroughly committed to that process, and I hope it continues. But we will not support weak or ineffective reforms in the name of bipartisanship.

To conclude, whether in a mine, an oil refinery, or wherever—these tragedies are preventable. All we are asking for is an opportunity to debate, amend, and vote...
on a bill that will make real progress in improving the safety of our most dangerous workplaces. If we are not allowed that opportunity today, I plan to keep pressing forward on this issue until we get that chance. It is far too important, and too many lives are at stake, to give up now.

**ADDITIONAL STATEMENTS**

**HAWAII BLUE RIBBON SCHOOLS**
- Mr. AKAKA. Mr. President, today I congratulate three Hawaii schools for being recognized as Blue Ribbon Schools for 2010 by the U.S. Department of Education. These schools, Ewa Beach Elementary School, Molimani Elementary School, and Royal School, serve as models of success and accomplishment.

The Blue Ribbon Schools Program honors public and private elementary, middle, and high schools whose students achieve at very high levels or have made significant progress and helped close gaps in achievement, especially among disadvantaged and minority students.

The program is part of a larger Department of Education effort to identify and disseminate knowledge about best school leadership and teaching practices.

I wish to extend my aloha to the principals: Sherry Lee Kobayashi of Ewa Beach, Doreen Higa of Molimani, and Ann Sugibayashi of Royal. As a former principal, I know firsthand the dedication that goes into leading schools and staffs, and I commend them for their hard work on behalf of their students and communities. I also commend the students, families, teachers, and staff of all three schools for their contributions towards this recognition.

I am proud of all that our keiki, the children, can accomplish when they are given access to quality education. My sincere mahalo, thanks, again, to Ewa Beach Elementary School, Molimani Elementary School, and Royal School for their efforts to give our students the best education possible. I offer my congratulations to all 2010 Blue Ribbon Schools nationwide and my sincere wishes for success in their futures.

**TRIBUTE TO TERRY ALLEN PERL**
- Mr. CARDIN. Mr. President, I would like my colleagues to join me today in honoring the work of Terry Allen Perl, who has served the Chimes Family of Services for 40 years.

The Chimes Family of Services is an international agency delivering a wide variety of support to more than 17,000 people. Chimes offers an extensive range of services from educational services to residential support and psychosocial services for people of all ages and varying levels of ability, providing assistance to people with developmental disabilities, mental illness, and other specialized needs. It offers an important support network to people with disabilities and their families as they work to achieve their goals, aspirations, and dreams.

Terry Allen Perl started his career with Chimes, Inc. in January of 1971. He was the first director of a community-based residential facility in the State of Maryland and one of the first to work with people with intellectual disabilities. His vision and leadership over the intervening years have led to the extraordinary success of the organization as he has helped to expand its educational, habilitation, employment, vocational, residential, and support services.

Under Mr. Perl’s leadership, Chimes has moved from being a provider of services to one of the largest contractors employing people with disabilities. Chimes provides janitorial and facility services for the U.S. Government and for the State of Maryland.

Under Mr. Perl’s guidance, Chimes has expanded from serving 200 people in the Baltimore area to more than 17,000 people from North Carolina, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, the District of Columbia, and the State of Israel.

Mr. Pearl has received numerous awards and honors in recognition of his innovative and pioneering programs. He has been a leader and member of numerous professional organizations including: ANCOR, American Network of Community Options and Resources, CARF, Commission on Accreditation of Rehabilitation Facilities, AAMR, American Association on Mental Retardation, Maryland Works, Baltimore City Mayor’s Commission on Disabilities, Developmental Disabilities Council, Baltimore County Workforce Investment Council, and the Baltimore County Commission on Disabilities. He is a frequent lecturer, consultant, and advisor to numerous provider agencies, advocacy groups, associations, and government entities. During his tenure as president and chief executive officer, Chimes has become nationally and internationally recognized as a provider of services and jobs for those with disabilities.

I hope my colleagues will join me in thanking Terry Allen Perl for his 40 years of dedicated service to the Chimes Family of Services organization and for his outstanding contributions to improving the lives of people with disabilities and their families and communities in Maryland, throughout our Nation, and in Israel.

**BALTIMORE JOB OPPORTUNITIES TASK FORCE**
- Mr. CARDIN. Mr. President, I encourage my colleagues to join me in paying special tribute to the Job Opportunities Task Force (JOTF), Independent advocacy and monitoring organization in Baltimore, MD, that is celebrating 10 years of service.

JOTF was begun in 1996 by a handful of people who were concerned about job opportunities for low-skilled job seekers in the Baltimore area. They called themselves the Job Opportunities Task Force, and they hoped they could help unemployed and underemployed men and women. They had a short-term goal, which was to knock down barriers to employment and bring private and public partners together to implement these changes.

In 1997, the Abell Foundation gave JOTF a grant to prepare a report on the job gap that would present detailed information about what types of jobs were available in the Baltimore region, where they were located, what they paid, what levels of education and skills were required, and where the potential workers were. The report, entitled “Baltimore Area Jobs and Low Skill Job Seekers,” was published in 1999 and revealed many gaps between the workforce and the jobs that were available—far too many impediments to be solved with a few meetings.

Since its incorporation in 2000, JOTF has become a leading voice on workforce issues in engaging a range of State policy initiatives and budget decisions, including increased investment in adult education and job training in communities and in prisons. JOTF has lobbied to expand the earned income tax credit, reduce barriers to (re)employment for ex-offenders, and reform unemployment insurance.
JOTF designs programs that create viable career paths for low-wage workers, helping them reach higher wage jobs in industries that need more skilled workers. A good example of JOTF’s success is JumpStart, a pre-apprenticeship program created and managed by JOTF that trains 100 low-wage Baltimore residents each year to become licensed electricians, plumbers, or carpenters. JOTF also convenes public meetings on local and national topics related to employment and the workforce. These meetings attract employers, policymakers, interested citizens, and direct service providers. JOTF’s research informs policymakers and the public and encourages the development of programs based on best practices. It explores the impact of specific policies and provides recommendations on how policies can better serve workers, families, employers, and the economy.

JOTF is making a significant difference in Maryland. I urge my colleagues to join me today in congratulating JOTF’s founding chair, Joanne Nathans, whose gentle nature and steel-like determination have improved the lives of countless Baltimoreans and their families. Please join me in sending best wishes to JOTF on the occasion of its 10th anniversary and in thanking JOTF for improving the lives of Maryland job seekers, workers, and their families.

Dakota Wesleyan University

Mr. JOHNSON. Mr. President, today I wish to celebrate the 125th anniversary of the founding of Dakota Wesleyan University, DWU, in Mitchell, SD. DWU has provided a well-rounded education that emphasizes learning, leadership, faith, and service to its students since its founding 125 years ago. Graduates of the university have gone on to become great community and professional leaders. Today, under the leadership of President Robert Duffett, DWU will continue its proud heritage with its promising future.

In 1883, a group of Methodist settlers received a charter to found the Dakota Wesleyan University. DWU serves as the university for the Dakotas Conference of the United Methodist Church. Soon after the university opened, Dakota Wesleyan students demonstrated their success through their excellent oratorical skills. They participated in the Intercollegiate Oratorical Contest and won 5 of its first 11 competitions. This is just one of many examples of DWU students’ ability to excel.

With a student body just larger than 750 people, the university offers a very fair mix of liberal arts and professional education. In addition to academic programs, students also participate in service work to aid people in South Dakota and around the world. Recent mission trip locations have included Tanzania and Mexico, where students served children in poverty and engaged in home poverty. Through the Leadership and Public Service Program, students have the opportunity to study contemporary issues and perform public service through internship placements. Such broad educational opportunities provided by DWU help students explore citizenry locally and internationally.

On Saturday, October 2, 2010, DWU will celebrate its Blue and White Bash at the Corn Palace in Mitchell, SD. Dakota Wesleyan University has provided our state an opportunity to study contemporary issues and perform public service through internship placements. Such broad educational opportunities provided by DWU help students explore citizenry locally and internationally.

JOTF: Celebrating 10 Years

JOTF is a leading organization that educates students to identify and develop their individual talents for successful lives in service to God and the common good.

REMEMBERING TED WILLIAMS

Mr. KERRY. Mr. President, baseball celebrates “walk off” home runs, the four baggers that bring a game to an end. But 50 years ago today, the greatest hitter who ever lived, No. 9, Ted Williams, hit the ultimate “walk off” home after 21 seasons with our Red Sox. “The Kid” homered deep into right field in his very last at bat. At 42, despite the toll of nagging injuries, some of which dated back to his combat tours, Ted lofted the ball into the right field stands, all that far from the spot where he hit the longest homerun in the history of Fenway Park at 502 feet. To this day the record stands and the seat in those bleachers is memorialized in red. This home run might not have been the longest but it was a fitting farewell to the game he loved so much—and excelled at like no other. He was bigger than life.

We revered Ted Williams for many reasons—for what he did on the field, and off of it as well. It was not just his lifelong commitment to the Jimmy Fund, but the selfless way he twice walked away from baseball and served his country in uniform in World War II and in Korea where he was wingman to another icon, John Glenn. He was a two time American League Most Valuable Player, boasted a career batting average of .344, an on base percentage of .551, lead the league in batting six times, and hammered 521 home runs. Ted Williams was guts and grit personified. The Red Sox were grateful for the special way he welcomed us into his hearts in his final years, at last tipping his cap to the fans of Boston, and letting us say goodbye to him one last time at the 1999 All Star Game in Boston when—on the Fenway mound—he was surrounded by the great players of the 20th century who were in awe of our own Splendid Splinter. It was one final moment of magic in a career—and life—seemingly ripped from a story book.

But it was that last home run that John Updike remembers in the extraordinary “Hub Fans Bid Kid Adieu,” an essay that captures the greatness of Ted Williams far better than any of us could—and still today, 50 years later, speaks to the Red Sox faithful, and baseball fans across the country. I ask to have this essay printed in the Record, and I thank the Senate for taking time today to remember an American icon—Boston’s own Ted Williams.

Hub Fans Bid Kid Adieu

(By John Updike)

Fenway Park, in Boston, is a lyric little handbook of a ballpark. Everything is painted green and seems in curiously sharp focus, like the inside of an old-fashioned peep-show type of Easter egg. It would re-built in 1934, and offers, as do most Boston artifacts, a compromise between Man’s Eu- clidean determinations and Nature’s beguil- ing irregularities. Its right field is the deepest in the American League, while its left field is the shortest; the high left-field wall, three hundred and fifteen feet from home plate along the foul line, actually thrusts its surface at right-handed hitters. On the afternoon of Wednesday, September 28th, as I took a seat behind third base, a uniformed groundkeeper was treading the top of this wall, picking batting-practice home runs out of the screen, like a mush- room picker plying his trade among the gills. The day was overcast, chill, and uninspirational. The Bos- ton team was the worst in twenty-seven sea- sons. A jangling mediocrity of incompetent youth and aging competence, the Red Sox were finishing in seventh place only because the Kansas City Athletics had locked them out of the cellar. The team was the worst in twenty-seven sea- sons. The Red Sox’s last home game of the sea- son, and therefore the last time in all eter- nity that their regular left fielder, known to the headlines as TED, KID, SPINNER, THUMP, and, most cogently, MIS- TER WONDERFUL would play in Boston.

What will we do without Ted? Hub fans ask.” The headline on a newspaper reading by a bulb-nosed cigar smoker a few rows away. Williams’ retirement had been announced, but there was a compelling reason to believe that he would return. The Red Sox were finishing in seventh place only because the Kansas City Athletics had locked them out of the cellar. The team was the worst in twenty-seven sea- sons. The Red Sox’s last home game of the sea- son, and therefore the last time in all eter- nity that their regular left fielder, known to the headlines as TED, KID, SPINNER, THUMP, and, most cogently, MIS- TER WONDERFUL would play in Boston. What will we do without Ted? Hub fans ask.” The headline on a newspaper reading by a bulb-nosed cigar smoker a few rows away. Williams’ retirement had been announced, but there was a compelling reason to believe that he would return. The Red Sox were finishing in seventh place only because the Kansas City Athletics had locked them out of the cellar. The team was the worst in twenty-seven sea- sons. The Red Sox’s last home game of the sea- son, and therefore the last time in all eter- nity that their regular left fielder, known to the headlines as TED, KID, SPINNER, THUMP, and, most cogently, MIS- TER WONDERFUL would play in Boston.

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wondered who had invited them to the party. Between our heads and the lowering clouds a frenzied organ was thundering through, with an appositeness perhaps accidental. “You mean because I didn’t want to do it, I didn’t want to do it...”

The affair between Boston and Ted Williams has been a source of romance; it has been a marriage, composed of spots, mutual disappointments, and, toward the end, a mellowing board of shared memories. It falls into phases, each of which—like a painter’s—has its accidents. Youth, Maturity, and Age; or Thesis, Antithesis, and Synthesis; or Jason, Achilles, and Nestor.

First there was the by now legendary epoch when the young bridgegroom came out of the West, announced “All I want out of life is that when I walk down the street folks will say, ‘there goes the greatest hitter who ever lived.’” The dowagers of local journalism attempted to give elementary deportment lessons to this child who spoke as a god, and to their horror were themselves rebuked. Thus began the long exchange of backbiting, hat-flipping, boating, and spitting that has distinguished Williams’ public relations. The spitting incidents of 1957 and 1958 and the similar doxsidee courtesies that Williams has now and then extended to the grandstand, are judged against his background: the left-field stand at Fenway for twenty years have held a large number of customers who have bought their way in primarily because of showmanship on the field. Greatness necessarily attracts debunkers, but in Williams’ case the hostility has been systematic and unappeasable. His basic offense against the fans has been to wish that they weren’t there. Seeking a perfectionist’s vacuum, he has quixotically de- sidered to sever the game from the ground of paid publicity, and to promote his presence, to publicize it. Hence his refusal to tip his cap to the crowd or turn the other cheek to news- men. It has been a costly theory—it has probably cost him, among other evidences of good will, two Most Valuable Player awards, which are voted by reporters—but he has held to it from his rookie year on. While his critics, oral and literary, remained beyond the reach of his discipline, the opposing pitchers were accessible, and he spanked them to the tune of .406 in 1941. He slumped to .304 in 1943.

In 1946, Williams returned from three years as a Marine pilot to the second of his baseball avatars, that of Achilles, the hero. He commanded beauty and it never- theless was to be found sulking in his tent while the Trojans (mostly Yankees) fought through to the ships. Yawkey, a timber and mining maharajah, had surrounded his central jewel with many gems of slightly lesser water, such as Bobby Doerr, Dom DiMaggio, Rudy York, Birdie Tebbets, and Johnny Pesky. Throughout the late forties, the Red Sox were the best paper team in baseball, yet they had little three-dimensional to show for it, and this tragedy. Williams had vacated the left side, the Finnegan charge those of us who love Williams must transmute as best we can, in our personal crucibles. My personal memo- ries of Williams begin when I was a boy in Pennsylvania, with two last-place teams in Philadelphia to keep me company. For me, “Wm’s” if it was a figment of the box scores that he was, a being existent only in the di- rected singles—a calculated sacrifice cer- tainly not, in the case of a hitter as average- minded as Williams, entirely selfish.

The next year, I moved from New York to New England, and it made all the difference. Even to my generation has concentrated within him- self a kind of heroism. This brittle and temperamental player developed an unexpected quality of persistence. He was always coming back—from Korea, back from a broken neck, back from a bruised heel, back from drastic bouts of flu and ptomaine poisoning. Hardly a season went by without some embittering mishap, yet he came back from all of them and fought like himself. The delicate mechanism of timing and power seemed locked, shockproof, in the thick skin of his body. With the occasional home run at the cost of many directed singles—a kind of subterfuge cer- tainly not, in the case of a hitter as average- minded as Williams, entirely selfish.

After a prime so harassed and boibed, Wil- liams was granted by the relentless fate a golden twilight. He became at the end of his career perhaps the best old hitter of the cen- tury; the man whose bat was the direct source of the Sox’s being the world champions in 1946 and the 1957 seasons. In September of the first year, he and Mickey Mantle were contesting the batting championship. Both were hitting around .350, and there was no one else near them. The season ended with a three-game series between the Yan- kees and the Sox, and, living in New York then, I went up to the Stadium. Williams was slightly shy of the four hundred at-bats needed to qualify; the fear was expressed that the Yankee pitchers would walk him to .406 or beyond for him—a wise decision. He looked terrible at the plate, tired and discouraged and uncom- placent. He was slightly shy of the .406 he had been judged capable of in the spring. Last week, in Life, Williams, a sportswriter himself now, wrote gloomily of the Stadium. “There’s the bigness of it. There are those high stands and all those people smoking—and, of course, the shadows. . . . It takes at least one series to get accus- tomed to the Stadium and even then you’re not sure.” The final outcome in 1956 was Mantle .353, Williams .345.

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championships by decimal whiskers to George Kell and Mickey Vernon, sneaked in behind his teammate Pete Runnels and flitched his sixth title, a bargain at .328. In the off-season, Runnels’ .323 and hit one homer. Williams batted .316 and hit twenty-nine homers. The batting cage was trundled away. The Smithsonian Institution purchased a Calder mobile with one thread cut; it resides at the National Museum of American Art.

Don Lee, off whose father, Thornton Lee, he learned to play the piano as a boy, was the organist of a Boston church and Singular. And off the field, his private philanthropy—in particular, his zealously maintained friendship with the Boston Hockey Fund, a charity that he and the Cardinal, when their good works intersect, and they appear in the public eye together, make a handsome and heartening pair.

Humbled by his ’59 season, Williams determined, once more, to come back strong. I, as a specimen Williams partisan, was both glad and a little envious. Or is it the other way around? The question is, how many do you believe we all know. And off the field, his private philanthropy—in particular, his zealously maintained friendship with the Boston Hockey Fund, a charity that he and the Cardinal, when their good works intersect, and they appear in the public eye together, make a handsome and heartening pair.

Williams entered the 1960 season needing eight home runs to tie a lifetime total of 500; after one time at bat in Washington, he needed seven. For a stretch, he was hitting a home run every second game that he played. He passed Lou Gehrig’s lifetime total of 500; after one time at bat in Washington, he needed seven. For a stretch, he was hitting a home run every second game that he played. He passed Lou Gehrig’s lifetime total of 500; after one time at bat in Washington, he needed seven.

A tight little flock of human sparrows that, from the lambent and pampered pink of their cheeks, could only have been Boston politicians moved toward the plate. The loudspeakers mammaishly coughed as someone huffed on the microphone. The ceremony before the game began, the Red Sox radio and television announcer, who sounds like everybody’s brother-in-law, delivered a brief sermon, taking the two words “pride” as his text. “I’d like to drop a hint,” he began, “Twenty-one years ago, a skinny kid from San Diego, California . . .” and ended, “I’d like to drop a hint.” The great owner of the Boston Red Sox, Tom Yawkey, chairman of the board of the Greater Boston Chamber of Commerce, presented Williams with a big Paul Revere silver shield. The certificate of appreciation, the sports committee of the Greater Boston Chamber, gave him a plaque, whose inscription he did not read in its entirety, out of deference to Williams’ distaste for this sort of fuss.

The batting cage was trundled away. The Smithsonian Institution purchased a Calder mobile with one thread cut; it resides at the National Museum of American Art.
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CONGRESSIONAL RECORD — SENATE

Williams was third in the batting order, so
he came up in the bottom of the first inning,
and Steve Barber, a young pitcher who was
not yet born when Williams began playing
for the Red Sox, offered him four pitches, at
all of which he disdained to swing, since
none of them were within the strike zone.
This demonstrated simultaneously that Williams’ eyes were razor-sharp and that Barber’s control wasn’t. Shortly, the bases were
full, with Williams on second. ‘‘Oh, I hope he
gets held up at third! That would be wonderful,’’ the girl beside me moaned, and, sure
enough, the man at bat walked and Williams
was delivered into our foreground. He struck
the pose of Donatello’s David, the third-base
bag being Goliath’s head. Fiddling with his
cap, swapping small talk with the Oriole
third baseman (who seemed delighted to
have him drop in), swinging his arms with a
sort of prancing nervousness, he looked
fine—flexible, hard, and not unbecomingly
substantial through the middle. The long
neck, the small head, the knickers whose
cuffs were worn down near his ankles—all
these points, often observed by caricaturists,
were visible in the flesh.
One of the collegiate voices behind me
said, ‘‘He looks old, doesn’t he, old; big deep
wrinkles in his face . . .’’
‘‘Yeah,’’ the other voice said, ‘‘but he looks
like an old hawk, doesn’t he?’’
With each pitch, Williams danced down the
baseline, waving his arms and stirring dust,
ponderous but menacing, like an attacking
goose. It occurred to about a dozen humorists at once to shout ‘‘Steal home! Go, go!’’
Williams’ speed afoot was never legendary.
Lou Clinton, a young Sox outfielder, hit a
fairly deep fly to center field. Williams
tagged up and ran home. As he slid across
the plate, the ball, thrown with unusual heft
by Jackie Brandt, the Oriole center fielder,
hit him on the back.
‘‘Boy, he was really loafing, wasn’t he?’’
one of the boys behind me said.
‘‘It’s cold,’’ the other explained. ‘‘He
doesn’t play well when it’s cold. He likes
heat. He’s a hedonist.’’
The run that Williams scored was the second and last of the inning. Gus Triandos, of
the Orioles, quickly evened the score by
plunking a home run over the handy leftfield wall. Williams, who had had this wall at
his back for twenty years, played the ball
flawlessly. He didn’t budge. He just stood
there, in the center of the little patch of
grass that his patient footsteps had worn
brown, and, limp with lack of interest,
watched the ball pass overhead. It was not a
very interesting game. Mike Higgins, the
Red Sox manager, with nothing to lose, had
restricted his major-league players to the
left-field line—along with Williams, Frank
Malzone, a first-rate third baseman, played
the game—and had peopled the rest of the
terrain with unpredictable youngsters fresh,
or not so fresh, off the farms. Other than
Williams’ recurrent appearances at the
plate, the maladresse of the Sox infield was
the sole focus of suspense; the second baseman turned every grounder into a juggling
act, while the shortstop did a breathtaking
impersonation of an open window. With this
sort of assistance, the Orioles wheedled their
way into a 4–2 lead. They had early replaced
Barber with another young pitcher, Jack
Fisher. Fortunately (as it turned out), Fisher is no cutie; he is willing to burn the ball
through the strike zone, and inning after inning this tactic punctured Higgins’ string of
test balloons.
Whenever Williams appeared at the plate—
pounding the dirt from his cleats, gouging a
pit in the batter’s box with his left foot,
wringing resin out of the bat handle with his
vehement grip, switching the stick at the
pitcher with an electric ferocity—it was like

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having a familiar Leonardo appear in a shuffle of Saturday Evening Post covers. This
man, you realized—and here, perhaps, was
the difference, greater than the difference in
gifts—really intended to hit the ball. In the
third inning, he hoisted a high fly to deep
center. In the fifth, we thought he had it; he
smacked the ball hard and high into the
heart of his power zone, but the deep right
field in Fenway and the heavy air and a casual east wind defeated him. The ball died. Al
Pilarcik leaned his back against the big
‘‘380’’ painted on the right-field wall and
caught it. On another day, in another park,
it would have been gone. (After the game,
Williams said, ‘‘I didn’t think I could hit one
any harder than that. The conditions weren’t
good.’’)
The afternoon grew so glowering that in
the sixth inning the arc lights were turned
on—always a wan sight in the daytime, like
the burning headlights of a funeral procession. Aided by the gloom, Fisher was slicing
through the Sox rookies, and Williams did
not come to bat in the seventh. He was second up in the eighth. This was almost certainly his last time to come to the plate in
Fenway Park, and instead of merely cheering, as we had at his three previous appearances, we stood, all of us—stood and applauded. Have you ever heard applause in a
ballpark? Just applause—no calling, no whistling, just an ocean of handclaps, minute
after minute, burst after burst, crowding and
running together in continuous succession
like the pushes of surf at the edge of the
sand. It was a sombre and considered tumult.
There was not a boo in it. It seemed to renew
itself out of a shifting set of memories as the
kid, the Marine, the veteran of feuds and
failures and injuries, the friend of children,
and the enduring old pro evolved down the
bright tunnel of twenty-one summers toward
this moment. At last, the umpire signalled
for Fisher to pitch; with the other players,
he had been frozen in position. Only Williams
had moved during the ovation, switching his
hat impatiently, ignoring everything except
his cherished task. Fisher wound up, and the
applause sank into a hush.
Understand that we were a crowd of rational people. We knew that a home run cannot
be produced at will; the right pitch must be
perfectly met and luck must ride with the
ball. Three innings before, we had seen a
brave effort fail. The air was soggy; the season was exhausted. Nevertheless, there will
always lurk, around a corner in a pocket of
our knowledge of the odds, an indefensible
hope, and this was one of the times, which
you now and then find in sports, when a density of expectation hangs in the air and
plucks an event out of the future.
Fisher, after his unsettling wait, was wide
with the first pitch. He put the second one
over, and Williams swung mightily and
missed. The crowd grunted, seeing that classic swing, so long and smooth and quick, exposed, naked in its failure. Fisher threw the
third time, Williams swung again, and there
it was. The ball climbed on a diagonal line
into the vast volume of air over center field.
From my angle, behind third base, the ball
seemed less an object in flight than the tip of
a towering, motionless construct, like the
Eiffel Tower or the Tappan Zee Bridge. It
was in the books while it was still in the sky.
Brandt ran back to the deepest corner of the
outfield grass; the ball descended beyond his
reach and struck in the crotch where the
bullpen met the wall, bounced chunkily, and,
as far as I could see, vanished.
Like a feather caught in a vortex, Williams
ran around the square of bases at the center
of our beseeching screaming. He ran as he always
ran
out
home
runs—hurriedly,
unsmiling, head down, as if our praise were a
storm of rain to get out of. He didn’t tip his

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cap. Though we thumped, wept, and chanted
‘‘We want Ted’’ for minutes after he hid in
the dugout, he did not come back. Our noise
for some seconds passed beyond excitement
into a kind of immense open anguish, a wailing, a cry to be saved. But immortality is
nontransferable. The papers said that the
other players, and even the umpires on the
field, begged him to come out and acknowledge us in some way, but he never had and
did not now. Gods do not answer letters.
Every true story has an anticlimax. The
men on the field refused to disappear, as
would have seemed decent, in the smoke of
Williams’ miracle. Fisher continued to pitch,
and escaped further harm. At the end of the
inning, Higgins sent Williams out to his
leftfield position, then instantly replaced
him with Carrol Hardy, so we had a long last
look at Williams as he ran out there and
then back, his uniform jogging, his eyes
steadfast on the ground. It was nice, and we
were grateful, but it left a funny taste.
One of the scholasticists behind me said,
‘‘Let’s go. We’ve seen everything. I don’t
want to spoil it.’’ This seemed a sound aesthetic decision. Williams’ last word had been
so exquisitely chosen, such a perfect fusion
of expectation, intention, and execution,
that already it felt a little unreal in my
head, and I wanted to get out before the castle collapsed. But the game, though played
by clumsy midgets under the feeble glow of
the arc lights, began to tug at my attention,
and I loitered in the runway until it was
over. Williams’ homer had, quite incidentally, made the score 4–3. In the bottom of
the ninth inning, with one out, Marlin
Coughtry, the second-base juggler, singled.
Vic Wertz, pinchhitting, doubled off the leftfield wall, Coughtry advancing to third.
Pumpsie Green walked, to load the bases.
Willie Tasby hit a double-play ball to the
third baseman, but in making the pivot
throw Billy Klaus, an ex-Red Sox infielder,
reverted to form and threw the ball past the
first baseman and into the Red Sox dugout.
The Sox won, 5–4. On the car radio as I drove
home I heard that Williams had decided not
to accompany the team to New York. So he
knew how to do even that, the hardest thing.
Quit.∑
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FLIGHT NETWORK
∑ Mr. SESSIONS. Mr. President, I wish
to take a moment to honor an exceptional program in Alabama.
For many young men and women,
their experiences during World War II
were a profound time in their lives.
This Nation owes a debt of gratitude
for the sacrifices of those Americans
who left their families and lives behind
to go ‘‘fight the good fight’’.
The Honor Flight Network was established to honor the remaining WWII
veterans and provide them a trip to the
WWII Memorial in Washington, DC
which was built in their honor.
The Honor Flight Tennessee Valley
program, which also serves northern
Alabama, began in the summer of 2006
and flew 14 WWII veterans on their
first flight on April 4, 2007. Their final
mission was on September 11th, 2010. In
this time, Honor Flight Tennessee Valley has flown over 1,300 WWII veterans
to Washington, DC. This could not
have been accomplished without the
leadership and outstanding efforts of
the president and founder of Honor
Flight Tennessee Valley, Joe Fitzgerald. His organizational skills and

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ability to put a plan together were essential to the overall success of the program. Joe put a special emphasis on honoring the veterans who died before they were able to make the trip to DC. I am thankful that these revered veterans came to the Nation’s Capital to be recognized and remembered for their individual sacrifices. Among the most important of the historic sites they visited was the new World War II Memorial, which honors the 16 million veterans who served in the Armed Forces of the United States, the more than 400,000 of our finest Americans who gave the ultimate sacrifice for our Nation, and all who supported the war effort from home.

I have met many Honor Flight groups from all over Alabama at the WWII Memorial. Without exception, they are men and women of character and positive spirit who love their country and thoroughly enjoy the visit. They also have not asked for recognition but are humbled and thankful for this honor. Visiting these veterans is one of the most enjoyable things I get to do as a Senator.

On behalf of my Senate colleagues and the State of Alabama, I thank these veterans for their service to the United States of America and am proud of the work Honor Flight Tennessee Valley and the Honor Flight Network have done for our WWII Veterans.

TRIBUTE TO ROBERT WINCHESTER

Mr. ROCKEFELLER. Mr. President, I rise to mark the retirement of Robert Winchester after 35 years in government service. Throughout this time, Bob has been both the consummate professional and a friendly presence in the Halls here on Capitol Hill.

Mr. Winchester had a varied and distinguished career, having worked in different positions and capacities for the Department of Justice, Central Intelligence Agency and the U.S. Army. For most of that time, Bob worked in the intelligence field where efforts and successes are not always rewarded publicly. I am glad we can do so here today.

Mr. Winchester graduated in 1967 from the University of Paris, La Sorbonne, and from Kings College in 1968. From 1969 until 1971, he served in the U.S. Army as an intelligence analyst and was stationed in Vietnam. After being honorably discharged as a staff sergeant, he continued his education at Illinois State University earning a master’s degree. He then returned to Europe to receive a master’s of advanced European studies with honors in 1974 from the College of Europe in Bruges, Belgium.

Continuing his already impressive academic achievements, Mr. Winchester received his juris doctorate from Temple University School of Law. He served as a judge advocate general captain in the U.S. Army Reserves for 13 years. He is a member of the bar of the Commonwealth of Pennsylvania and the District of Columbia.

Mr. Winchester worked for 7 years at the Central Intelligence Agency in operational law and legislative liaison positions, and also served as an assistant attorney general for the Department of Justice in Pennsylvania.

During the last 25 years, Bob has served as legislative counsel to the Secretary of the Army and the Army leadership, the Army G-2, the commanding generals of the U.S. Army Intelligence and Kill Command at Fort Huachuca, and the Intelligence and Security Command.

Since 1981, Mr. Winchester served as the special assistant for legislative affairs for the U.S. Army’s Office of the Chief, legislative liaison and served as the Army’s principal liaison to the Congress for all Army intelligence programs and policies. It was in this role that Mr. Winchester became a fixture in matters involving Army intelligence on Capitol Hill. For over two decades, the Members of the Senate Select Committee on Intelligence knew that they could turn to Mr. Winchester with a request and he would respond not just in a timely and professional manner, but also with insight and enthusiasm. He was able not only to represent the views and policies of the U.S. Army, but also to ensure that Congress had the information it requested to conduct effective congressional oversight. He made this difficult job look easy.

Mr. Winchester has earned his retirement many times over, but we still hope that he reconsider and returns to serve our country once again.

Mr. Winchester, thank you for your service and good luck in all your future endeavors.

TRIBUTE TO RUSTY TOUPAL

Mr. THUNE. Mr. President, today I wish to recognize Rusty Toupal, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several weeks.

Rusty is a graduate of Wolsey High School in Wolsey, SD. Currently he is attending South Dakota State University where he is majoring in consumer Affairs. He has also been a member of the Army National Guard for 7 years and has completed a deployment to Iraq.

He is a hard worker who has been dedicated to getting the most out of his internship experience. I extend my sincere thanks and appreciation to Rusty for all of the fine work he has done and wish him continued success in the years to come.

DISCHARGE PETITION PURSUANT TO 5 U.S.C. 802(c) (CONGRESSIONAL REVIEW ACT)

We, the undersigned Senators, in accordance with chapter 8 of title 5, United States Code, hereby direct that the Senate Committee on Health, Education, Labor, and Pensions be discharged of further consideration of S.J. Res. 39, a resolution providing for congressional disapproval of a rule submitted by the Centers for Medicare and Medicaid Services, Department of Health and Human Services, relating to status as a Grandfathered Health Plan under the Patient Protection and Affordable Care Act, and, further, that the resolution be immediately placed upon the Legislative Calendar under General Orders.


MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 12:12 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 86. An act to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 1055. An act to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

H.R. 1317. An act to allow certain U.S. Customs and Border Protection employees who serve under an overseas limited appointment for at least 2 years, and whose service is rated fully successful or higher throughout that time, to be converted to a permanent appointment in the competitive service.

H.R. 1517. An act to allow certain U.S. Customs and Border Protection employees who serve under an overseas limited appointment for at least 2 years, and whose service is rated fully successful or higher throughout that time, to be converted to a permanent appointment in the competitive service.

H.R. 1520. An act to extend the Airport and Airway Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, as authorized by the United States Code, to extend the airport improvement program, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. INOUE).

At 3:18 p.m., a message from the House of Representatives, delivered by Mrs. Cole, announced that the House enrolled the bill (H.R. 714) to authorize the Secretary of the Interior to lease certain lands in Virgin Islands National Park, and for other purposes.

At 3:54 p.m., a message from the House of Representatives, delivered by Mrs. Cole, announced that the House has passed the following bill, without amendment:

S. 3847. An act to implement certain defense trade cooperation treaties, and for other purposes.

At 5:37 p.m., a message from the House of Representatives, delivered by
Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6200. An act to amend part A of title XI of the Social Security Act to provide for a 1-year extension of the authorizations for the Work Incentives Planning and Assistance program and the Protection and Advocacy for Beneficiaries of Social Security pro-

ENROLLED BILLS SIGNED

At 6:51 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 714. An act to authorize the Secretary of the Interior to lease certain lands in Virginia National Park, and for other purposes.

H.R. 2923. An act to enhance the ability to combat methamphetamine.

H.R. 3553. An act to exclude from consideration as income under the Native American Housing Assistance and Self-Determination Act of 1996 amounts received by a family from the Department of Veterans Affairs for service-related disabilities of a member of the family.

H.R. 3808. An act to require any Federal or State court to recognize any notarization made by a notary public licensed by a State other than the State where the court is located when such notarization occurs in or affects interstate commerce.

S. 2668. An act to provide increased access to the Federal supply sales program to the American Red Cross, other qualified organizations, and State and local governments.

MEASURES DISCHARGED

Pursuant to S. U.S. 802(c), the following joint resolution was discharged by petition from the Committee on Health, Education, Labor, and Pensions, and placed on the Calendar:

S.J. Res. 39. A joint resolution providing for congressional disapproval under chapter 8 of title II, United States Code, of the rule relating to the status as a grandfathered health plan under the Patient Protection and Affordable Care Act.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on September 28, 2010, she had presented to the President of the United States the following enrolled bills:

S. 846. An act to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 1055. An act to grant the congressional gold medal, collectively, to the 109th Infantry Battalion and the 42nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-7554. A communication from the Executive Director, the American Veterans of Foreign Wars Privilege Commission, transmitting, pursuant to law, the report of a rule entitled “Regulation of Off-Exchange Retail Foreign Exchange Transactions and Intermediaries” (17 CFR Parts 1, 3, 4, 5, 10, 140, 145, 147, 160, and 166)(RIN3838-AC61) received in the Office of the President of the Senate on September 23, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7555. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Proclamation of Implementation Plans Alabama: Volatile Organic Compounds (RIN4200-AC95) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Environment and Public Works.

EC-7556. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Proclamation of Implementation Plans Alabama: Volatile Organic Compounds (RIN4200-AC95) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Environment and Public Works.

EC-7557. A communication from the Chair- man of the Military Leadership Diversity Directives Committee, transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act that occurred within the Department of the Navy and was assigned case number 09-03; to the Committee on Appropriations.

EC-7558. A communication from the Assistant General Counsel for Legislation, Regulations, and Immigration Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “References From Gross Income of Foreign Corporations” (TD RIN 00C3–AD56 received in the Office of the President of the Senate on September 21, 2010; to the Committee on Finance.

EC-7559. A communication from the Assistant General Counsel for Legislation, Regulations, and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled “Acquisition Regulation: Sustainable Acquisition” (RIN1991– AB95 received in the Office of the President of the Senate on September 24, 2010; to the Committee on Energy and Natural Resources.

EC-7560. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Outer Continental Shelf Air Regulations Consistency Update for California” (FRL No. 9192–8) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Environment and Public Works.

EC-7561. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Final Authorization of State Hazardous Waste Management Program Revisions Consistency Update for California” (FRL No. 9192–8) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Environment and Public Works.

EC-7562. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Proclamation of Implementation Plans Alabama: Volatile Organic Compounds (RIN4200-AC95) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Environment and Public Works.

EC-7563. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Proclamation of Implementation Plans Alabama: Volatile Organic Compounds (RIN4200-AC95) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Environment and Public Works.

EC-7564. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Proclamation of Implementation Plans Alabama: Volatile Organic Compounds (RIN4200-AC95) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Environment and Public Works.

EC-7565. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Final Authorization of State Hazardous Waste Management Program Revisions Consistency Update for California” (FRL No. 9192–8) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Environment and Public Works.

EC-7566. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Proclamation of Implementation Plans Alabama: Volatile Organic Compounds (RIN4200-AC95) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Environment and Public Works.

EC-7567. A communication from the Assistant General Counsel for Legislation, Regulations, and Energy Efficiency, Department of Energy, transmitting, pursuant to law, a report relative to (2) vacancies in the Department of Health and Human Services in the positions of Assistant Secretary for Public Affairs and Administrator of the Centers for Medicare and Medicaid Services, receiving in the Office of the President of the Senate on September 24, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-7568. A communication from the Executive Analyist (Political), Department of Health and Human Services, transmitting, pursuant to law, a report relative to (2) vacancies in the Department of Health and Human Services in the positions of Assistant Secretary for Public Affairs and Administrator of the Centers for Medicare and Medicaid Services, receiving in the Office of the President of the Senate on September 24, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-7569. A communication from the Assistant General Counsel for Legislation, Regulations, and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled “Application of Sections 7702 and 7702A to Life Insurance Contracts that Mature After Age 100” (Rev. Rul. 2010–23) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Finance.

EC-7570. A communication from the Assistant General Counsel for Legislation, Regulations, and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled “Application of Sections 7702 and 7702A to Life Insurance Contracts that Mature After Age 100” (Rev. Rul. 2010–23) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Finance.

EC-7571. A communication from the Staff Director, United States Senate Committee on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Wyoming Advisory Committee; to the Committee on the Judiciary.

EC-7572. A communication from the Director of Regulations Policy and Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled “Specially Adapted Housing and Special Home Adaption” (RIN2900–AN21) received in
the Office of the President of the Senate on September 27, 2010; to the Committee on Veterans’ Affairs.

EC–7573. A communication from the Director of Human Policy and Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled “Presidential Immigration Control for Persian Gulf Service” (RIN2090–AN24) received in the Office of the President of the Senate on September 27, 2010; to the Committee on Veterans’ Affairs.

EC–7574. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; Northeastern Skate Complex Fishery; Reduction of Skate Wing Fishery Possession Limit” (RIN0648–XY06) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7575. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; Re-allocation of Pollock in the Bering Sea and Aleutian Islands Management Area” (RIN0648–XY97) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7576. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; Re-allocation of Yellowfin Solé in the Bering Sea and Aleutian Islands Management Area” (RIN0648–XY96) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7577. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Northwest Atlantic Ocean; Northeast Skate Complex Fishery; Reduction of Skate Wing Fishery Possession Limit” (RIN0648– XY96) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7578. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Modification of the Common Pool Day-at-Sea Accounting and Possession Prohibition for Witch Flounder” (RIN0648–XY03) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7579. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Atlantic Highly Migratory Species; Inseason Action to Close the Commercial Porbeagle Shark Fishery” (RIN0648–XY03) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7584. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; Exemption for Vessels Participating in the Rockfish Entry Level Fishery in the Central Regulatory Area of the Gulf of Alaska” (RIN0648–XY72) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7585. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; Northeast Rockfish for Vessels Participating in the Rockfish Entry Level Fishery” (RIN0648–XY72) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7586. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; Pegasus: South Pacific Rockfish for Vessels Participating in the Rockfish Entry Level Fishery in the Central Regulatory Area of the Gulf of Alaska” (RIN0648–XY17) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BOXER, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 1816. A bill to amend the Federal Water Pollution Control Act to authorize the Chesapeake Bay Program (Rept. No. 111–331).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 679. A bill to establish a research, development, demonstration, and commercial application program to promote research of appropriate technologies for heavy duty plug-in hybrid vehicles, and for other purposes (Rept. No. 111–334).

S. 2843. A bill to provide for a program of research, development, demonstration, and commercial application in vehicle technologies at the Department of Energy (Rept. No. 111–335).

S. 3465. A bill to promote the deployment of plug-in electric drive vehicles, and for other purposes (Rept. No. 111–336).

S. 3184. A bill to provide United States assistance for the purpose of eradicating severe and persistent trafficking in children in eligible countries through the implementation of Child Protection Comacts, and for other purposes (Rept. No. 111–337).

S. 2557. A bill from the Committee on Homeland Security and Governmental Affairs, with amendments:

H.R. 3236. A bill to amend title 5, United States Code, to eliminate the discriminatory treatment of the District of Columbia under the provisions of law commonly referred to as the “Hatch Act” (Rept. No. 111–338).

By Mr. KERRY, from the Committee on Foreign Relations, without amendment:

S. 3184. A bill to provide United States assistance for the purpose of eradicating severe and persistent trafficking in children in eligible countries through the implementation of Child Protection Comacts, and for other purposes (Rept. No. 111–337).

S. 2847. A bill to regulate the volume of audio on commercials.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services:


Air Force nomination of Col. Christopher J. Bence, to be Brigadier General.


Air Force nomination of Lt. Gen. Larry D. James, to be Lieutenant General.

Army nomination of Col. Arthur W. Hines, to be Brigadier General.


Army nomination of Col. Philip M. Chunn, to be Brigadier General.

Army nomination of Col. Daniel J. Dire, to be Brigadier General.
Army nomination of Col. Ronald E. Dziedzicki, to be Brigadier General.


Army nomination of Col. Joseph A. Brendler, to be Brigadier General.

Army nominations beginning with Col. Dana B. Fehlen with Col. Stephen L. Danner, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

Army nominations of Brig. Gen. Maria L. Brit, to be Major General.

Army nomination of Brig. Gen. William L. Freeman, Jr., to be Major General.

Army nominations of Maj. Gen. Frank J. Grass, to be Lieutenant General.

Marine Corps nomination of Gen. James F. Amos, to be General.

Marine Corps nomination of Lt. Gen. Joseph F. Dunford, Jr., to be General.

Marine Corps nominations of Lt. Gen. Thomas D. Waldhauser, to be Lieutenant General.


Marine Corps nomination of Lt. Gen. Terry G. Hobling, to be Lieutenant General.

Navy nominations of Rear Adm. Charles D. Harr, to be Rear Admiral (lower half).

Navy nomination of Rear Adm. (Selectee) John W. H. Hofmann, to be Vice Admiral.

Navy nomination of Rear Adm. Cecil E. Haney, to be Vice Admiral.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the Congressional Record on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary’s desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Robert L. Gauer and ending with Rajendra C. Yande, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2010.

Air Force nominations beginning with Arlene S. Sinkular and ending with Amy S. Wooley, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2010.

Air Force nominations beginning with Marianne E. Alaniz and ending with Mark L. Wimley, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2010.

Air Force nomination of Ernest J. Prochazka, to be Colonel.

Air Force nominations beginning with Daniel P. Gilligan and ending with Nghia H. Nguyen, which nominations were received by the Senate and appeared in the congressional record on September 16, 2010.

Army nomination of Robert H. Kewley, Jr., to be Lieutenant Colonel.

Army nomination of Wiley C. Thompson, to be Lieutenant Colonel.

Army nomination of Raymond C. Nelson, to be Colonel.

Army nomination of Bernard B. Banks, to be Colonel.

Army nomination of David A. Wallace, to be Colonel.

Army nominations beginning with Melissa R. Covolesky and ending with John H. Stephenson II, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2010.

Army nomination of Jonathan J. McColumns, to be Colonel.
Army nominations beginning with William P. Adelman and ending with David C. Zenger, which nominations were received by the Senate and appeared in the Congressional Record on September 8, 2010.

Army nominations beginning with Timothy J. Ringo, to be Lieutenant Commander.

Army nominations beginning with William A. Mix and ending with John H. Steely, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2010.

Army nominations beginning with Ronald K. Bach and ending with Anna A. Ross, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2010.

Army nominations beginning with Brian O. Walden, to be Captain.

Army nominations beginning with Jeffrey Y. Cho and ending with Jeffrey G. Sotack, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nominations beginning with Dominick V. Gonzales, to be Lieutenant Commander.

Army nominations beginning with Michael H. Hooper, to be Lieutenant Commander.

Army nominations beginning with Yvillo S. Crescini, to be Lieutenant Commander.

Army nominations beginning with Aldrin J. A. Cordova and ending with Jerald R. O’Kane, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

Army nominations beginning with John W. Baize and ending with Ning L. Yuan, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

Army nominations beginning with Raynard Allen and ending with Robert B. Wills, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

Army nominations beginning with Jose G. Acosta, Jr. and ending with Scott A. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

Army nominations beginning with Dominic J. Antenucci and ending with Delicia G. Zimmermann, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

Army nominations beginning with Brent N. Adams and ending with Emily L. Zywickie, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

Army nominations beginning with Teresita Alston and ending with Erin K. Zizak, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

Army nominations beginning with Kenric T. Aban and ending with Franklin R. Zuehl, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.
INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BROWN of Massachusetts (for himself, Ms. SNOKE, Mr. BENNETT, Mr. CORKER, Ms. COLLINS, Mr. VOINOVICH, Mr. ALEXANDER, and Mr. HAMBLIN):

S. 3861. A bill to amend the Toxic Substances Control Act to clarify the jurisdiction of the Environmental Protection Agency with respect to certain sporting goods articles, and to exempt those articles from a definition under that Act; to the Committee on Environment and Public Works.

By Mr. DORGAN:

S. 3851. A bill to clarify the relationship of the policies of sports leagues or associations and provisions of State or local law regarding the use of performance-enhancing drugs in interstate competition; to the Committee on Commerce, Science, and Transportation.

By Mrs. HAGAN (for herself and Mr. MENENDEZ):

S. 3852. A bill to authorize grants to promote media literacy and youth empowerment programs, to authorize research on the role and impact of depictions of girls and women in the media, to provide for the establishment of the National Task Force on Girls and Women in the Media, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CARPER (for himself, Mr. WARNER, Mr. AKARA, Ms. COLLINS, Mr. VOINOVICH, and Mr. LIEBERMAN):

S. 3853. A bill to modernize and refine the requirements of the Government Performance and Results Act of 1993, to require quarterly performance reviews of Federal policy and management priorities, to establish Chief Operating Officers, to make improvements to the Government Performance and Results Act, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LEAHY (for himself, Mr. WHITEHOUSE, and Mr. KAUFMAN):

S. 3854. A bill to expand the definition of scheme or artifice to defraud with respect to mail and wire fraud; to the Committee on the Judiciary.

S. 3855. A bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the issuance of new clean renewable energy bonds and to terminate eligibiltiy of governmental bodies to issue such bonds, and for other purposes; to the Committee on Finance.

By Mr. LAUTENBERG (for himself and Mr. ROCKEFELLER):

S. 3856. A bill to amend title 9, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DODD (for himself, Mrs. SHAHRIK, and Mr. COCHRAN):

S. 3857. A bill to amend the National and Community Service Act of 1990 to improve the reeducation awards program for national service; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY (for himself, Mrs. GILLIBRAND, and Mr. SCHUMER):

S. 3858. A bill to improve the H-2A agricultural worker program for use by dairy workers, shepherders, and other workers; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 3859. A bill to express the sense of the Senate concerning the establishment of Doctor of Nursing Practice and Doctor of Philadepshy dual programs; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. McCASKILL (for herself, Mr. BROWN of Massachusetts, Mr. LIEBERMAN, Ms. COLLINS, and Mr. BURR):

S. 3860. A bill to require reports on the management of Arlington National Cemetery; to the Committee on Veterans' Affairs.

By Mrs. BOXER (for herself, Ms. KLOBUCHAR, Mr. LAUTENBERG, and Mr. NELSON of Florida):

S. 3861. A bill to direct the Administrator of the Environmental Protection Agency to investigate and address cancer and disease clusters, including in infants and children; to the Committee on Environment and Public Works.

By Mr. WHITEHOUSE:

S. 3862. A bill to amend the Oil Pollution Act of 1990 to facilitate the ability of persons affected by oil spills to seek judicial redress; to the Committee on Environment and Public Works.

By Mr. ROCKEFELLER:

S. 3863. A bill to designate certain Federal land within the Monongahela National Forest as a component of the National Wilderness Preservation System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS (for himself and Mr. TESTER):

S. 3864. A bill to remove a portion of the distinct population segment of the Rocky Mountain gray wolf from the list of threatened species or the list of endangered species published under the Endangered Species Act of 1973, and for other purposes; to the Committee on Environment and Public Works.

S. Res. 662. A resolution authorizing the amendment of the Standing Rules of the Senate to reform the filibuster rules to improve the daily process.
of the Senate; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 455
At the request of Mr. ROBERTS, the names of the Senator from Tennessee (Mr. CORKIE), the Senator from Kentucky (Mr. BUNNING), the Senator from Wisconsin (Mr. KOHL), the Senator from New Hampshire (Mrs. SHAHEEN), and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 455, a bill to require the Secretary of the Treasury to mint coins in recognition of the United States Armed Forces Army Stars, General Douglas MacArthur, Dwight Eisenhower, Henry “Hap” Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Leavenworth, Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College.

S. 658
At the request of Mr. TESTER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 658, a bill to amend title 38, United States Code, to improve health care for veterans who live in rural areas, and for other purposes.

S. 799
At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 799, a bill to designate as wilderness certain Federal portions of the red rock canyons of the Colorado Plateau and the Great Basin Deserts in the State of Utah for the benefit of present and future generations of people in the United States.

S. 1553
At the request of Mr. GRASSLEY, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1553, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 1562
At the request of Mr. DODD, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1562, a bill to establish the Office of Sustainable Housing and Communities, to establish the Interagency Council on Sustainable Communities, to establish a comprehensive planning grant program, to establish a sustainability challenge grant program, and for other purposes.

S. 1877
At the request of Mr. BINGAMAN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1877, a bill to reauthorize the Federal Land Transaction Facilitation Act, and for other purposes.

S. 2844
At the request of Mr. GRASSLEY, his name was added as a cosponsor of S. 2844, a bill to amend title 18, United States Code, to improve the terrorist hoax statute.

S. 3006
At the request of Mr. BAYH, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 3006, a bill to establish the Office of the National Alzheimer’s Project.

S. 3184
At the request of Mrs. BOXER, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 3184, a bill to provide United States assistance for the purpose of eradicating severe forms of trafficking in children in eligible countries through the implementation of Child Protection Compacts, and for other purposes.

S. 3268
At the request of Mr. BAUCUS, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 3338, a bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit to certain recently discharged veterans.

S. 3431
At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3431, a bill to provide for the establishment of a Home Star Retrofit Rebate Program, and for other purposes.

S. 3447
At the request of Mr. AKAKA, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Connecticut (Mr. DODD), and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 3447, a bill to amend title 38, United States Code, to improve educational assistance for veterans who served in the Armed Forces after September 11, 2001, and for other purposes.

S. 3501
At the request of Mr. HATCH, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 3501, a bill to protect American job creation by striking the job-killing Federal employer mandate.

S. 3503
At the request of Mr. HATCH, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 3502, a bill to restore Americans’ individual liberty by striking the Federal mandate to purchase insurance.

S. 3537
At the request of Mr. AKAKA, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3517, a bill to amend title 38, United States Code, to improve the processing of claims for disability compensation filed with the Department of Veterans Affairs, and for other purposes.

S. 3541
At the request of Mrs. HAGAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3543, a bill to amend title XVIII of the Social Security Act to expand access to medication therapy management services under the Medicare prescription drug program.

S. 3568
At the request of Mr. NELSON of Florida, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3568, a bill to amend the Trade Act of 1974 to create a Citrus Disease Research and Development Trust Fund to support research on diseases impacting the citrus industry, and for other purposes.

S. 3666
At the request of Mr. CARIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 3666, a bill to authorize certain Department of State personnel, who are responsible for examining and processing United States passport applications, to be able to access certain Federal, State, and other databases, for the purpose of verifying the identity of a passport applicant, to reduce the incidence of fraud, to require the authentication of identification documents submitted by passport applicants, and for other purposes.

S. 3694
At the request of Ms. CANTWELL, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 3694, a bill to prohibit the conducting of invasive research on great apes, and for other purposes.

S. 3709
At the request of Mr. WHITEHOUSE, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 3709, a bill to amend the Public Health Services Act and the Social Security Act to extend health information technology assistance to behavioral health, mental health, and substance abuse professionals and facilities, and for other purposes.

S. 3722
At the request of Mr. MCCONNELL, his name was added as a cosponsor of S. 3722, a bill to prohibit taxpayer funding of insurance plans or health care programs that cover abortion.

S. 3725
At the request of Mr. WYDEN, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Vermont (Mr. SANDERS), and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 3725, a bill to prevent the importation of merchandise into the United States in a manner that evades antidumping and countervailing duty orders, and for other purposes.

S. 3741
At the request of Mrs. HAGAN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 3741, a bill to provide U.S. Customs and Border Protection with authority to more aggressively enforce trade laws relating to textile or apparel articles, and for other purposes.
Mr. HATCH. The name of the Senator from Kansas (Mr. Brownback) was added as a cosponsor of S. 3751, a bill to amend the Stem Cell Therapeutic and Research Act of 2005.

At the request of Mr. Reid, his name was added as a cosponsor of S. 3756, a bill to amend the Communications Act of 1934 to provide public safety providers an additional 10 megahertz of spectrum to support a national, interoperable wireless broadband network and authorize the Federal Communications Commission to hold incentive auctions to provide funding to support such a network, and for other purposes.

At the request of Mr. Bingaman, the name of the Senator from New Hampshire (Mrs. Shaheen) was added as a cosponsor of S. 3759, a bill to amend the Energy Policy Act of 2005 to authorize the Secretary of Energy to issue conditional commitments for loan guarantees under certain circumstances.

At the request of Mr. Kerry, the names of the Senator from Wisconsin (Mr. Feingold), the Senator from Montana (Mr. Tester) and the Senator from Iowa (Mr. Harkin) were added as cosponsors of S. 3766, a bill to amend the Internal Revenue Code of 1986 to permit the Secretary of the Treasury to issue prospective guidance clarifying the employment status of individuals for purposes of employment taxes and to prevent retroactive assessments with respect to such clarifications.

At the request of Mrs. Feinstein, the name of the Senator from Oklahoma (Mr. Coburn) was added as a cosponsor of S. 3769, a bill to limit access to social security account numbers.

At the request of Mr. Johanns, his name was added as a cosponsor of S. 3790, a bill to amend title 5, United States Code, to provide that persons having seriously delinquent tax debts shall be ineligible for Federal employment.

At the request of Mr. Leahy, the name of the Senator from Hawaii (Mr. Akaka) was added as a cosponsor of S. 3794, a bill to amend chapter 5 of title 40, United States Code, to include organizations whose membership comprises substantially veterans as recipient organizations for the donation of Federal surplus personal communications Act state agencies.

At the request of Mr. Bingaman, the names of the Senator from Connecticut (Mr. Lieberman) and the Senator from Connecticut (Mr. Dodd) were added as cosponsors of S. 3813, a bill to amend the Public Utility Regulatory Policies Act of 1978 to establish a Federal renewable electricity standard, and for other purposes.

At the request of Mr. Reid, the name of the Senator from Utah (Mr. Hatch) was withdrawn as a cosponsor of S. 3815, a bill to amend the Internal Revenue Code of 1986 to reduce oil consumption and improve energy security, and for other purposes.

At the request of Mr. Kyl, the names of the Senator from California (Mrs. Feinstein), the Senator from Maine (Ms. Collins), the Senator from Georgia (Mr. Isakson) and the Senator from Louisiana (Mr. Vitter) were added as cosponsors of S. 3841, a bill to amend title 18, United States Code, to prohibit the creation, sale, distribution, advertising, marketing, and exchange of animal crush videos that depict obscene acts of animal cruelty, and for other purposes.

At the request of Mr. Johanns, his name was added as a cosponsor of S. 3841, supra.

At the request of Mr. Menendez, the name of the Senator from Rhode Island (Mr. Whitehouse) was added as a cosponsor of S. Con. Res. 39, a concurrent resolution expressing the sense of the Congress that stable and affordable housing is an essential component of an effective strategy for the prevention, treatment, and care of human immunodeficiency virus, and that the United States should make a commitment to providing adequate funding for the development of housing as a response to the acquired immunodeficiency syndrome pandemic.

At the request of Mr. Feingold, the name of the Senator from Pennsylvania (Mr. Casey) was added as a cosponsor of S. Con. Res. 71, a concurrent resolution recognizing the United States national interest in helping to prevent and mitigate acts of genocide and other mass atrocities against civilians, and supporting and encouraging efforts to develop a whole of government approach to prevent and mitigate such acts.

At the request of Mr. Brownback, the name of the Senator from Rhode Island (Mr. Reed) was added as a cosponsor of S. Con. Res. 72, a concurrent resolution recognizing the 45th anniversary of the White House Fellows Program.

At the request of Mr. Kaufman, the name of the Senator from Hawaii (Mr. Akaka) was added as a cosponsor of S. Res. 644, a resolution designating the week beginning October 10, 2010, as “National Wildlife Refuge Week”.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. Brown of Massachusetts (for himself, Ms. Snowe, Mr. Bennett, Mr. Corker, Ms. Collins, Mr. Voinovich, Mr. Alexander, and Mr. Chambliss):

S. 11. A bill to restore the application of the 340B drug discount program to orphan drugs with respect to children’s hospitals; to the Committee on Health, Education, Labor, and Pensions.

Mr. Brown of Massachusetts. Mr. President, I come to the floor today to speak about a bill that I am introducing today along with several of my Senate colleagues. My bill protects the lives of the most vulnerable among us, our Nation’s children by ensuring children’s hospitals across the country are able to purchase orphan drugs at a discount.

I am pleased to be joined by my colleagues: Senators Snow, Bennett, Corker, Collins, Voinovich, Alexander, and Chambliss today, to stand together to provide for and protect the ability of children’s hospitals to access medicines for their patients at a reduced price.

As my colleagues are aware, access to orphan drugs are critically important to children, many of whom, if they are ill, suffer from rare disease or conditions. Orphan drugs, by definition, are designed and developed to help and treat diseases or conditions that affect fewer than 200,000 people, many of whom are children. On a daily basis, the Children’s Hospital of Boston uses most of the 347 medicines that are designated orphan drugs.

The bill my colleagues and I are introducing today restores and protects the ability for children’s hospitals to access those outpatient medicines through the 340B drug discount program authorized in the Public Health Services Act. Access to this program and the corresponding discount saves the Children’s Hospital of Boston nearly $3 million annually, but more importantly, children’s hospitals in Boston is able to save lives as a result. Hospitals and doctors at children’s hospitals are able to access life-saving medicines, children live better lives, and families are given a piece of mind.

Passing this bill quickly is the right thing to do and I encourage the Senate to act swiftly to enact my legislation to ensure that children’s hospitals can once again receive discounted pricing on these life-saving medicines.
There is no cause for delay. The House has passed this restorative language twice already. The Senate needs to do the same.

I believe quick passage is possible quick passage should be possible because of the support and efforts that I have seen demonstrated by my fellow Senators.

Senator SHERROD BROWN has been a thoughtful leader on this issue and I respect and admire him for his work. Because of his leadership and perseverance, he was able to secure the support of sixteen Democratic Senators in favor of this legislation, all of whom signed a letter to the Majority Leader, expressing their support to restore access to this very important program.

I am hopeful that Senator SHERROD BROWN and I can continue to work across party lines and with all of our colleagues to reach agreement and find resolution on this.

My door is always open to my colleagues who are willing to work together to solve common problems. In this instance, our Nation’s children deserve that we come together and protect their access to medicines that will save their lives.

Mr. President, I ask unanimous consent that the text of the bill and letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 11
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONTINUED INCLUSION OF ORPHAN DRUGS IN DEFINITION OF COVERED OUTPATIENT DRUGS WITH RESPECT TO CHILDREN’S HOSPITALS UNDER THE 340B DRUG DISCOUNT PROGRAM.

(a) AMENDMENT.—Subsection (e) of section 340B of the Public Health Service Act (42 U.S.C. 256b) is amended by striking “covered entities described in subparagraph (M)” and inserting “covered entities described in subparagraph (M)”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of section 2302 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152).

U.S. SENATE,
Washington, DC, August 5, 2010.

Hon. Harry Reid, Majority Leader, U.S. Senate, Hart Senate Office Building, Washington, DC.

Dear Majority Leader Reid: We are writing to ask that a technical correction to Section 2302 of the Health Care and Education Reconciliation Act (HCERA) be provided at the earliest opportunity. The Section exempts orphan drugs from required discounts for newly eligible entities added to the 340B statute under the Act. PPS-exempt children’s hospitals were included among these entities, when in fact they were already eligible for and participating in the 340B program.

Since the HCERA provision was effective upon enactment, it is imperative that a retroactive correction be made as soon as possible to ensure the 340B program is viable. Both the House and Senate have included this correction in various pieces of legislation, but none of these bills have been signed into law. We thank you for your efforts to date to fix this problem and respectfully ask for your continued help in ensuring another generation of children with the most complex health care needs. In addition, orphan drugs may also be used more widely in treating other diseases or conditions. Children’s Hospital Boston currently uses most of the 347 drugs with orphan drug status on a daily basis.

The Massachusetts Biotechnology Council (MassBio), which represents more than 600 biotechnology companies, universities and academic institutions dedicated to advancing cutting edge research, urges a correction to this problem. As we all know, the focus of MassBio is to foster an environment in the state where biotechnology companies can succeed. For MassBio, as well as the member companies, true success means that research and development leads to treatments that reach the most vulnerable patients in our state. As such, it is critical that institutions like Children’s Hospital Boston have ready access to the pharmaceuticals they need to treat seriously ill children.

As the months pass and denials of discounts for orphan drugs costs are pervasive, the language, while uncontroversial, has not been included in any legislation that has passed the Senate.

We hope that you will agree to serve as an original cosponsor of the legislation drafted by Senator Sherrod Brown (attached) and contact the Majority and Minority leadership in the Senate to insist that this issue not be tied up in politics.

Sincerely,

James Mandell, MD,
President, MassBio.

By Mr. KERRY (for himself, Mr. DURBIN, Mr. CASEY, Mr. BROWN of Ohio, Mr. BINGMAN, Mr. BURRIS, Mr. HARKIN, Mr. LEAHY, Mr. MENDENHALL, Mr. DODD, Mr. BOXER, Mr. SCHUMER, and Mr. LUTENBERG):
S. 3849. A bill to extend the Emergency Contingency Fund for State Temporary Assistance for Needy Families Program, and for other purposes; to the Committee of the Whole.

Mr. KERRY. Mr. President, I come to the floor today to support extending a critically needed program that provides hope to 250,000 of our poorest families.

This bill is supported by Senators Durbin, Casey, Sherrod Brown, Bingaman, Burriss, Harkin, Leahy, Boxer, Mendenhall, Reed and Dodd in offering the Job

September 28, 2010
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Preservation for Parents in Poverty Act, which simply provides a 3-month extension of the Temporary Assistance for Needy Families, TANF, Emergency Contingency Fund. The $500 million in funding needed to pay for this extension is offset with corresponding reductions to the regular TANF Contingency Fund in fiscal year 2012.

We have suffered through the worst recession since the great depression. Just this month, the Census Bureau reported that 44 million Americans—1 in 7—lived in poverty last year. This represents the largest number of Americans living in poverty since the Census Bureau began keeping these statistics 51 years ago.

The TANF Emergency Fund was created as part of the Recovery Act enacted last year to provide temporary, targeted, emergency spending that combats the recession by helping to create jobs for our poorest families. It gave States funds to subsidize jobs for low-income families and older youth and to provide basic cash assistance and short-term benefits to the increasing numbers of poor families with children. It addresses the emergency needs of low-income families that are struggling.

At least 36 States have used TANF Emergency Contingency Funds to create or expand subsidized employment programs. States have used this fund to create subsidized jobs in the private and public sectors during the depth of the recession. By the time it expires at the end of September, the fund will have created approximately 250,000 jobs for low-income Americans who would otherwise be unemployed. Nearly all of these jobs will be eliminated if the program is not extended with additional funds.

If this worthy program is allowed to end on Thursday, these States will no longer be able to use the TANF Emergency Fund to subsidize employment and provide basic cash assistance to struggling families to help with housing and heating bills, domestic violence services, and transportation costs. This will hurt our economy because families on TANF have to spend nearly all of the money they receive to meet their basic needs. This will reduce demand for the goods and services, particularly in low-income communities.

Massachusetts relies on the TANF Emergency Contingency Fund to sustain the key existing safety net programs for cash assistance, emergency housing, rental vouchers, employment and training services, child care, and other initiatives to support low-income families getting back to work.

In Massachusetts, the Emergency Fund is used to provide TANF cash assistance to more than 50,000 low-income families in the Bay State each month. To qualify for this assistance, a family of three must have income of less than $1,069 a month. Let me repeat that. To qualify for this assistance a family of three must have income of less than $1,069 a month.

The maximum cash grant they can receive from the state is just $578 a month. Massachusetts also uses the fund to provide emergency shelter and related services to 3,000 homeless families.

An extension of the TANF Emergency Fund provides Massachusetts with federal assistance to accommodate the 10 percent TANF caseload increase we have experienced since the start of the recession. It would enable the State to preserve and maintain critical services for our poorest citizens during these difficult economic times.

If Congress does not immediately act, tens of thousands of jobs will be lost. Businesses will lose access to critical employment support programs, and the lives of our poorest families will be made even more difficult.

Extending the TANF Emergency Contingency Fund is a common-sense policy that enjoys broad support from public officials, public interest groups, and bipartisan organizations, including: Mark Zandi, Chief Economist at Moody’s Analytics; the National Governors Association; the National Conference of State Legislators; the American Public Human Services Association; and the Association of State TANF Administrators. I ask all my colleagues to support this legislation.

Mr. CASEY. Mr. President, I rise to speak about a piece of legislation just introduced, S. 3849, the Job Preservation for Parents in Poverty Act, which is simply an extension of a program that has placed tens of thousands of people into jobs in this recession and is working. We want to make sure it is extended because of how effective it has been to help people find and keep jobs. This legislation is fully offset. I wish to spend a couple minutes talking about the provisions that make it so effective.

First, I thank a number of Senators who have led the fight—Senator KERRY, as well as our assistant majority leader, Senator DURBIN, for the work they have done, as well as others—and for the testimony we received from people across the country. I know in my case one person who spent a good deal of time making it clear to me and to others across southern Pennsylvania and even across the State about the effectiveness of this program was Mayor Nutter, who, when I spoke with any mayor in the country in the middle of a recession, doesn’t have the luxury of dealing with programs that don’t work. He can only support and endorse programs that are working to create jobs. In a city such as Philadelphia, which still has a high unemployment rate, Mayor Nutter has relied upon this program, which is a rapid attachment effort to create jobs and keep people in those jobs.

We know the unemployment rates are intolerably too high. In our State we have 885,000 people out of work, just about 9.5 percent unemployment. Our poverty figures are going through the roof at the same time. We are seeing, in short, the real impact of this horrific recession.

One of the best ways to deal with that crisis is to have an extension of an important program that we refer to in Pennsylvania as the Pennsylvania Way Program. It keeps people out of poverty and providing people with jobs; in this case, 12,000 people in Pennsylvania. I could go down the list of other States as well, but I won’t. In our State, 12,864 adults have been helped by this program as well as summer youth, more than 7,800, for a total of 20,718.

It is fully offset. If we don’t extend it, in many, if not most, States, these programs will be shut down. It is working. It is not only creating jobs, it is keeping people out of poverty because they are working. I would think everyone would want to support programs that are working and keeping people out of poverty.

It is critically important that we extend the program. I am grateful for the help of our assistant majority leader, Senator DURBIN, has provided.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank my colleague from the Commonwealth of Pennsylvania for speaking out for this important program. I know there are many jobs in his State which are at stake with this decision by the Senate. There are some 26,000 jobs in Illinois that hinge on a decision made by the Senate as to whether we extend this program. What we are discussing this afternoon gets down to the heart of the question: Will we do everything in our power to help Americans find work, particularly those who have struggled so hard in the past? Will we give them a chance to continue working in many instances or to find work? It is an important choice.

Here we have a stark example of this choice in the fate of a program called the TANF Emergency Contingency Fund. In my State, we call this program Put Illinois to Work. It helps States subsidize the cost of hiring workers in mostly private sector jobs.

This small program has had a huge impact in Illinois. Nearly 250,000 jobs have been created in 37 States. It is a program where everyone of both political parties should support. Rather than paying people to do nothing, this program helps private companies hire the employees they need but can’t quite afford. Yet Republicans, at least to this point, are saying we should not extend this program past this Thursday. The end of this program in my State means the loss of thousands of jobs. I think the only reason there is opposition to this is the fact that it is originally conceived and funded to the Senate in the President’s Recovery Act.

Though many on the other side of the aisle have taken a party-line position...
that they will oppose that act no matter what it did is unfortunate, particularly for people who are just trying to find a way to survive in a very tough economy. Many of them earn $10 an hour. These are not jobs on which one could get rich. They can survive on these jobs but just to keep these people an opportunity to survive. This is a stimulus that works. Who would argue with the concept or premise that putting people to work is a lot better than paying them to do nothing?

Senator JOHN KERRY of Massachusetts has a simple bill that would extend the jobs program by 3 months, but it is fully paid for by reducing the TANF program’s future budget. The argument that it adds to the deficit does not work. It doesn’t add to the deficit. It is paid for by future budgetary commitments. I am afraid that still we will find an objection from the other side of the aisle. They have objected to continuing legislation on the continuing resolution which more or less keeps government in business while we are in recess.

Mr. President, 26,000 jobs are at stake in Illinois, and losing that many jobs would hurt my State. We already have an unemployment rate of over 10 percent. Governor Pat Quinn is trying to figure out how to save some of these jobs, but it is difficult with the budgetary problems we face in the State capital. It is not just Illinois that would suffer; 110,000 jobs would be lost in States represented by Republican Senators: 40,000 in Texas, which is represented by two Republican Senators; 20,000 in Georgia, represented by two Republican Senators; 10,000 in Kentucky, 10,000 people who will lose work this week in Kentucky represented by the minority leader. It is unfortunate that we have allowed some of these ideological positions to get in the way. It makes no difference that over 110,000 constituents represented by those on the other side of the aisle will be impacted by this objection.

I am afraid at this point some of our partisan differences are going to cost a lot of innocent people a chance to bring home a paycheck. I don’t think that is what the American people want in Washington. I think what they are looking for is to extend this program and save a quarter million Americans from losing their jobs.

I don’t know if Senator KERRY is coming to the Senate floor, but I see some Members on the Republican side of the aisle. I will make the unanimous consent request at this point.

I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 3849, the Job Preservation for Parents in Poverty Act; that the Senate then proceed to its consideration; that the bill be read three times, passed, and the motion to adjourn be laid upon the table; and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. ENZI. Mr. President, reserving the right to object, and I will object, the majority has known this program was going to expire at the end of this month all year and has taken no steps to save it. This is an important social safety net program. We are also in the position of having to pass an extension of TANF. I am not sure the Senator from Illinois is aware that the chairman and ranking member of the Finance Committee together got a bipartisan 1-year extension of TANF.

The PRESIDING OFFICER. Objection is heard.

By Mr. REID (for Mrs. LINCOLN):

S. 3850. A bill to amend the Toxic Substances Control Act to clarify the jurisdiction of the Environmental Protection Agency with respect to certain sporting goods, and for other purposes.

SEC. 1. SHORT TITLE.

This Act may be cited as the “Hunting, Fishing, and Recreational Shooting Protection Act.”

SEC. 2. MODIFICATION OF DEFINITION.

Section 32(b)(2) of the Toxic Substances Control Act (15 U.S.C. 2602(2)) is amended—

(1) by striking “Such term does not include—” and inserting the following:—

“(B) EXCLUSIONS.—The term ‘chemical substance’ does not include—”;

(2) in clauses (i) through (iv), by striking the commas at the end of the clauses and inserting semicolons;

(3) by striking clause (v) and inserting the following:—

“(v)(I) any article the sale of which is subject to, or eligible to be subject to, the tax imposed by section 4181 of the Internal Revenue Code of 1986; and any separate component of such an article (including shells, cartridges, and ammunition); or

“(II) any substance that is manufactured, processed, or distributed in commerce for use in any article or separate component described in subclause (I) (as determined without regard to any exemption from the tax imposed by section 4181 of the Internal Revenue Code of 1986 and any separate component of that Code)”;

(4) in clause (vi), by striking the period at the end and inserting “; or”;

(5) by inserting after clause (vi) the following:

“(vii)(I) any article the sale of which is subject to, or eligible to be subject to, the tax imposed by section 4181 of the Internal Revenue Code of 1986 and any separate component of such an article (including shells, cartridges, and ammunition); or

“(II) any substance that is manufactured, processed, or distributed in commerce for use in any article or separate component described in subclause (I) (as determined without regard to any exemption from the tax imposed by section 4181 of the Internal Revenue Code of 1986 and any separate component of that Code)”;

(6) in the matter following clause (vii) (as added by paragraph (5)), by striking “The term ‘food’ as used in subsection (vi) of this subparagraph includes” and inserting the following:

SEALED—CONGRESSIONAL RECORD — SENATE S7623
Girls and Women in the Media in order to
develop voluntary steps and goals for
promoting healthy and positive depic-
tions of girls and women in the
media for the benefit of all youth.
We must reverse this trend for this
generation of youth and for future
generations.

By Mr. CARPER (for himself, Mr.
WARNER, Mr. AKAKA, Ms.
COLLINS, Mr. VONOVICEH, and Mr.
LIEBERMAN)

S. 3853. A bill to modernize and refine the
requirements of the Government
Performance and Results Act of 1993, to
require quarterly performance reviews of
Federal policy and management pri-
orities, to establish Chief Operating Of-
ficers, Performance Improvement Offi-
cers, and the Performance Improve-
ment Council, and for other purposes;
to the Committee on Homeland Secu-
ritv and Governmental Affairs.
Mr. CARPER. Mr. President, today,
as Chairman of the Subcommittee on
Federal Financial Management, Gov-
ernment Information, Federal Serv-
ces, and International Security, I offer
a piece of legislation, along with my
distinguished colleagues Senators
WARNER, AKAKA, LIEBERMAN, COLLINS
and VONOVICEH, that I believe will lead
us on a path to a more effective and ef-
ficient federal government.
It has been more than 17 years since
Congress passed the Government Per-
formance and Results Act, GPRA, to
help us better manage our finite re-
sources and improve the effectiveness
delivery of Federal programs. Since
that time, agencies across the
defederal government have developed
and implemented strategic plans and have
routinely generated a tremendous
amount of performance data. The ques-
tion is—have Federal agencies actually
used their performance data to get bet-
ter results?
Produc_ing information does not by
itself improve performance and experts
from both sides of the aisle agree that
the solutions developed in 1993 have
not worked. The American people de-
serve—and our fiscal challenges de-
mand—better results.
The GPRA Modernization Act of 2010
which I offer today aims to assist and
motivate—Federal agencies to put
away the stacks of reports that no one
reads and actually start to think how
we can improve the effectiveness, effi-
ciency and transparency of our Govern-
ment.
This legislation represents the many
lessons learned over the past 17 years
and brings a high level, government
wide focus passed the Government
work better for the American people. It
builds off the important strides Presi-
dent Obama’s administration has made
in this area and pushes Federal agen-
cies even further to not only make
goals, but to make individuals respon-
sible for them.
While the strength of our democracy
rests on the ability of our government
to deliver its promises to the people,
we in Congress have a responsibility to
be judicious stewards of the resources
taxpayers invest in America, and en-
sure those resources are managed hon-
estly, transparently and effectively.
The GPRA Modernization Act of 2010
also calls on the federal government to
look within where we are performing
so well so we can make better decisions
about where we should and should not
be putting our scarce resources.
Today we face unparalleled chal-
elenges both here and abroad, and these
require a knowledgeable and nimble
federal government that can respond
effectively. With concerns growing
over the mounting federal deficit and
national debt, the American people de-
serve to know that every dollar they
send to Washington is being used to its
utmost potential. Performance infor-
mation is an invaluable tool that can
ensure just that. If used effectively, it
can identify problems, find solutions,
and develop approaches that improve
outcomes and produce results.
Mr. President, I ask unanimous con-
sent that the text of the bill be printed in
the RECORD.
There being no objection, the text of
the bill was ordered to be printed in
the RECORD, as follows:

S. 3853

Be it enacted by the Senate and House of Repre-
sentatives of the United States of America in Conven-
ing Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the
“GPRA Modernization Act of 2010”.
(b) TABLE OF CONTENTS. The table of con-
ents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Strategic planning amendments.
Sec. 3. Performance planning amendments.
Sec. 4. Performance reporting amendments.
Sec. 5. Federal Government and agency pri-
ority goals.
Sec. 6. Quarterly priority progress reviews and
use of performance inform-
ation.
Sec. 7. Transparency of Federal Government
programs, priority goals, and results.
Sec. 8. Agency Chief Operating Officer.
Sec. 9. Agency Performance Improvement
Officers and the Performance
Improvement Council.
Sec. 10. Format of performance plans and re-
ports.
Sec. 11. Reducing duplicative and outdated
agency reporting.
Sec. 12. Performance management skills and
competencies.
Sec. 13. Technical and conforming amend-
ments.
Sec. 15. Congressional oversight and legisla-
tion.

SEC. 2. STRATEGIC PLANNING AMENDMENTS.
Chapter 3 of title 5, United States Code, is
amended by striking section 306 and insert-
ing the following:

“§ 306. Agency strategic plans
“(a) Not later than the first Monday in
February of any year following the year
in which the term of the President commences
under section 101 of this title, the head of
each agency shall make available on the public
website of the agency a strategic plan and
notify the President and Congress of its
availability. Such plan shall contain—
“(1) a comprehensive mission statement
covering the major functions and operations of the agency;
“(2) general goals and objectives, including outcome-oriented goals, for the major functions and operations of the agency;

“(3) a description of how any goals and objectives are consistent with the Federal Government performance priorities established by section 1120(a) of title 31;

“(4) a description of how the goals and objectives are to be achieved, including—

“(A) a description of the operational processes, skills and technology, and the human, capital, information, and other resources required to achieve those goals and objectives; and

“(B) a description of how the agency is working with other agencies to achieve its goals and objectives, including—

“(i) a description of the Federal Government performance plans;

“(ii) a description of the Federal Government performance goals as required by section 1120(b) of title 31; and

“(iii) a description of the agencies, organizations, program activities, regulations, and policies, and other activities contributing to each Federal Government performance goal, and the next fiscal year in which the goals and objectives are to be achieved;

“(C) a description of the agency’s strategic plan.

“(5) a description of how the goals and objectives incorporate views and suggestions obtained through congressional consultations required under subsection (d);

“(6) a description of how the performance goals provided in the plan required by section 1115(a) of title 31, including the agency priority goals required by section 1120(b) of title 31, if applicable, contribute to the general goals and objectives in the strategic plan;

“(7) an identification of those key factors external to the agency and beyond its control that could significantly affect the achievement of the general goals and objectives; and

“(8) a description of the program evaluations used in establishing or revising general goals and objectives, with a schedule for future program evaluations to be conducted.

“(b) The strategic plan shall cover a period of not less than 4 years following the fiscal year in which the plan is submitted. As needed, the head of the agency may make adjustments to the strategic plan to reflect significant changes in the environment in which the agency operates, with appropriate notification of Congress.

“(c) The performance plan required by section 1116(b) of title 31 shall be consistent with the agency’s strategic plan. A performance plan may not be submitted for a fiscal year not covered by a current strategic plan under this section.

“(d) When developing or making adjustments to a strategic plan, the agency shall consult periodically with the Congress, including minority views from the appropriate authorizing, appropriations, and oversight committees, and shall solicit and consider the views and suggestions of those who are potentially affected or interested in such a plan. The agency shall consult with the appropriate committees of Congress at least once every 2 years.

“(e) The functions and activities of this section shall be considered to be inherently governmental functions. The drafting of strategic plans under this section shall be performed only by Federal employees.

“(f) For purposes of this section the term ‘agency’ means an Executive agency defined under section 101(a)(28) of title 31 that does not include the Central Intelligence Agency, the Government Accountability Office, the United States Postal Service, and the Postal Regulatory Commission.

SEC. 3. PERFORMANCE PLANNING AMENDMENTS.

Chapter 11 of title 31, United States Code, is amended by striking section 1115 and inserting the following:

“§ 1115. Federal Government and agency performance plans

“(a) FEDERAL GOVERNMENT PERFORMANCE PLANS.—In carrying out the provisions of section 1108(a)(28), the Director of the Office of Management and Budget shall coordinate with agencies to develop the Federal Government performance plan. In addition to the submission of such plan with each budget of the United States Government, the Director of the Office of Management and Budget shall ensure that all information required by this subsection is concurrently made available on the website provided under section 1122 and updated periodically, but no less than annually. The Federal Government performance plan shall—

“(1) establish Federal Government performance goals to define the level of performance to be achieved during the year in which the plan is submitted and the next fiscal year for each of the Federal Government priority goals required under section 1120(a) of this title;

“(2) identify the agencies, organizations, program activities, regulations, tax expenditures, policies, and other activities contributing to each Federal Government performance goal during the current fiscal year;

“(3) for each Federal Government performance goal, identify a lead Government official who shall be responsible for coordinating the efforts to achieve the goal; and

“(4) establish common Federal Government performance indicators with quarterly targets to be used in measuring or assessing—

“(A) overall progress toward each Federal Government performance goal; and

“(B) the individual contribution of each agency, organization, program activity, regulation, tax expenditure, policy, and other activity identified under paragraph (2);

“(5) establish clearly defined quarterly milestones; and

“(6) identify major management challenges that are Governmentwide or crosscutting in nature and describe plans to address such challenges, including—

“(A) the operation processes, training, skills and technology, and the human, capital, information, and other resources and strategies required to meet those performance goals;

“(B) the individual contribution of each agency, organization, program activity, regulation, tax expenditure, policy, and other activity identified under paragraph (2);

“(C) the sources for the data;

“(D) any limitations to the data at the relevant program activity, organization, program activity, regulation, tax expenditure, policy, and other activity level identified under paragraph (2); and

“(E) how the agency will compensate for such limitations if needed to reach the required level of accuracy;

“(7) describe major management challenges the agency faces and identify—

“(A) planned actions to address such challenges;

“(B) performance goals, performance indicators, and milestones to measure progress toward resolving such challenges; and

“(C) the agency official responsible for resolving such challenges identified in paragraph (5); and

“(8) a description of how the performance goals, including an identification of the agency officials responsible for the achievement of each performance goal, shall be known as goal leaders.

“(b) AGENCY PERFORMANCE PLANS.—Not later than the first Monday in February of each year, the head of each agency shall make available on a public website of the agency, and notify the President and the Congress of its availability, a performance plan covering each program activity set forth in the budget of such agency. Such plan shall—

“(1) establish performance goals to define the level of performance to be achieved during the year in which the plan is submitted and the next fiscal year;

“(2) express results in an objective, quantifiable, and measurable form unless authorized to be in an alternative form under subsection (c);

“(3) describe how the performance goals contribute to—

“(A) the general goals and objectives established in the agency’s strategic plan required by section 1105(a)(28); and

“(B) any of the Federal Government performance goals established in the Federal Government performance plan required by subsection (a); and

“(4) identify among the performance goals those which are designated as agency priority goals as required by section 1120(b) of this title, if applicable;

“(5) provide a description of how the performance goals are to be achieved, including—

“(A) the operation processes, training, skills and technology, and the human, capital, information, and other resources and strategies required to meet those performance goals;

“(B) clearly defined milestones;

“(C) an identification of the organizations, program activities, regulations, policies, and other activities that contribute to each performance goal, both within and external to the agency;

“(D) a description of how the agency is working with other agencies to achieve its performance goals as well as relevant Federal Government performance goals; and

“(E) an identification of the agency officials responsible for the achievement of each performance goal, who shall be known as goal leaders;

“(6) establish a balanced set of performance indicators to be used in measuring or assessing progress toward each performance goal, including, as appropriate, customer service, efficiency, output, and outcome indicators;

“(7) provide a basis for comparing actual program results with the established performance goals.

“(c) MAINTAINING A STRATEGIC PLAN.—In preparing an annual performance plan, the agency official responsible for preparing the performance plan shall ensure the accuracy and reliability of the data used to measure progress toward its performance goals, including an identification of—

“(A) the means to be used to verify and validate measured values;

“(B) the sources for the data;

“(C) the level of accuracy required for the intended use of the data;

“(D) any limitations to the data at the required level of accuracy;

“(E) how the agency will compensate for such limitations if needed to reach the required level of accuracy;

“(F) describe major management challenges the agency faces and identify—

“(A) planned actions to address such challenges;

“(B) performance goals, performance indicators, and milestones to measure progress toward resolving such challenges; and

“(C) the agency official responsible for resolving such challenges identified in paragraph (5);

“(G) describe any alternative as authorized by the Director of the Office of Management and Budget, with sufficient precision and in such terms that would allow for an accurate, independent determination of whether the program activity’s performance meets the criteria of the description; or

“(H) state why it is infeasible or impractical to express a performance goal in any form for the program activity.

“(d) TREATMENT OF PROGRAM ACTIVITIES.—For the purpose of complying with this section, an agency may aggregate, disaggregate, or consolidate program activities, except that any aggregation or consolidation may not omit or minimize the significance of any program activity constituting a major function or operation for the agency.

“(e) APPENDIX.—An agency may submit with an annual performance plan an appendix containing any pertinent information—

“(1) is specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy; and

“(2) is properly classified pursuant to such Executive order.
SEC. 4. PERFORMANCE REPORTING AMENDMENTS.

Chapter 11 of title 31, United States Code, is amended by striking section 1116 and inserting the following:

SEC. 1116. Agency performance reporting.

(a) The head of each agency shall make available on a public website of the agency an update on agency performance.

(b) Each update shall compare actual performance achieved with the performance goals established in the agency performance plan required under section 1115 of this title and shall occur no less than 150 days after the end of each fiscal year, with more frequent updates of actual performance on indicators that provide data of significance to the Government, Congress, or program partners at a reasonable level of administrative burden.

SEC. 5. FEDERAL GOVERNMENT AND AGENCY PRIORITY GOALS.

Chapter 11 of title 31, United States Code, is amended by adding after section 1119 the following:


(a) Federal Government Priority Goals.—

(i) Financial management;

(ii) Human capital management;

(iii) Information technology management;

(iv) Procurement and acquisition management; and

(v) Real property management.

(b) Agency-specific priority goals shall be developed for each agency under Federal management, including:

(C) financial management;

(D) human capital management; and

(E) information technology management.

(c) Each agency shall develop and submit to the Director of the Office of Management and Budget a plan for the development of agency-specific priority goals.

SEC. 6. FEDERAL GOVERNMENT PERFORMANCE MEASURES.

Chapter 11 of title 31, United States Code, is amended by adding after section 1119(a) the following:


(a) The Director of the Office of Management and Budget shall submit to Congress at the time of the annual budget submission and at other times as the Director determines, a report that includes:

(i) the Federal Government performance measures and goals used to support the budget for the Federal Government;

(ii) the Federal Government performance measures and goals used to measure progress towards the Federal Government performance goals; and

(iii) the performance measures and goals used to support the agency performance plans.

(b) The report shall be submitted under section 1116(a) of this title and shall be made available on the public website of the Office of Management and Budget.

SEC. 7. FEDERAL GOVERNMENT PERFORMANCE GOALS.

Chapter 11 of title 31, United States Code, is amended by adding after section 1119 the following:

(a) Federal Government Performance Goals.—

(i) The Director of the Office of Management and Budget shall submit a report to Congress, and to each appropriate committee of Congress, on the Federal Government performance goals and the performance measures and goals used to support the Federal Government performance goals.

(ii) The report shall be submitted under section 1116(a) of this title and shall be made available on the public website of the Office of Management and Budget.

SEC. 8. FEDERAL GOVERNMENT PERFORMANCE INDICATORS.

Chapter 11 of title 31, United States Code, is amended by adding after section 1119(a) the following:

(a) Federal Government Performance Indicators.—

(i) The Director of the Office of Management and Budget shall submit a report to Congress, and to each appropriate committee of Congress, on the Federal Government performance indicators.

(ii) The report shall be submitted under section 1116(a) of this title and shall be made available on the public website of the Office of Management and Budget.

SEC. 9. FEDERAL GOVERNMENT PERFORMANCE REPORTS.

Chapter 11 of title 31, United States Code, is amended by adding after section 1119 the following:

(a) The Director of the Office of Management and Budget shall submit a report to Congress, and to each appropriate committee of Congress, on the Federal Government performance reports.

(b) The report shall be submitted under section 1116(a) of this title and shall be made available on the public website of the Office of Management and Budget.
significant value to the Government, Congress, or program partners at a reasonable level of administrative burden; and (E) have clearly defined quarterly milestones.

(2) If an agency priority goal includes any program activity or information that is specifically authorized under criteria established by an Executive order to be secret in the interest of national defense or foreign policy and is properly classified pursuant to such Executive order, the head of the agency or the person to whom such information available in the classified appendix provided under section 1115(e).

(c) The functions and activities of this section are to be inherently governmental functions. The development of Federal Government and agency priority goals shall be performed only by Federal employees.

SEC. 6. QUARTERLY PRIORITY PROGRESS REVIEWS AND USE OF PERFORMANCE INFORMATION

Chapter 11 of title 31, United States Code, is amended by adding after section 1120 (as added by section 5 of this Act) the following:

§ 1121. Quarterly priority progress reviews and use of performance information

(a) Use of performance information to achieve Federal Government priority goals.—Not less than quarterly, the Director of the Office of Management and Budget, with the support of the Performance Improvement Council, shall—

(1) for each Federal Government priority goal required by section 1120(a) of this title, review with the appropriate lead Government official the progress achieved during the most recent quarter, overall trend data, and the likelihood of meeting the planned level of performance; and

(2) include in such reviews officials from the agencies, organizations, and program activities that contribute to the accomplishment of each Federal Government priority goal;

(b) Assessment of Federal Government priority goals by risk of not achieving the planned level of performance; and

(c) For the Federal Government priority goals required by section 1120(b) of this title, prepare an analysis of the planned level of performance, identify prospects and strategies for performance improvement, including any needed changes to programs, regulations, policies, other activities that contribute to each goal, within and external to the agency.

(d) Agency use of performance information.

(1) For each agency priority goal, review the appropriate goal leader the progress achieved during the most recent quarter, overall trend data, and the likelihood of meeting the planned level of performance;

(2) coordinate with relevant personnel within and outside the agency who contribute to the accomplishment of each agency priority goal;

(3) assess whether agencies, organizations, program activities, regulations, tax expenditures, policies, and other activities are contributing as planned to each Federal Government priority goal;

(4) identify the Federal Government priority goals by risk of not achieving the planned level of performance; and

(5) for agency priority goals at greatest risk of not meeting the planned level of performance, identify prospects and strategies for performance improvement, including any needed changes to programs, regulations, policies, other activities that contribute to each goal, within and external to the agency.

SEC. 7. TRANSPARENCY OF FEDERAL GOVERNMENT PRIORITY GOALS AND RESULTS.

Chapter 11 of title 31, United States Code, is amended by adding after section 1121 (as added by section 5 of this Act) the following:

§ 1122. Transparency of programs, priority goals, and results

(a) Transparency of agency programs.

(1) In General.—Not later than October 1, 2012, the Office of Management and Budget shall—

(A) ensure the effective operation of a single website;

(B) at a minimum, update the website on a quarterly basis; and

(C) include on the website information about each program identified by the agencies.

(2) Information.—Information for each program described under paragraph (1) shall include—

(A) an identification of how the agency defines the term ‘program’, consistent with guidance provided by the Director of the Office of Management and Budget, including the program activities that are aggregated, disaggregated, or consolidated to be considered a program by the agency;

(B) a description of purposes of the program and the contribution of the program to the mission and goals of the agency; and

(C) an identification of funding for the current fiscal year and previous 2 fiscal years.

(b) Transparency of agency priority goals and results.

(1) In General.—The head of each agency required to develop agency priority goals shall make information about each agency priority goal available to the Office of Management and Budget for publication on the website, with the exception of any information covered by section 1120(b)(2) of this title. In addition to an identification of each agency priority goal, the website shall also consolidate information about each agency priority goal, including—

(A) a description of how the agency incorporated any views and suggestions obtained through congressional consultations;

(B) an identification of key factors external to the agency;

(C) a description of how the agency incorporated any views and suggestions obtained through congressional consultations about the agency priority goal;

(D) an identification of the lead Government official responsible for improving the achievement of the agency priority goal; and

(E) how the agency has compensated for any limitations to the data used in measuring or assessing progress.

(2) Format.—Such information shall be presented on the website—

(A) in a searchable, machine-readable format. The Director of the Office of Management and Budget shall issue guidance on the format in which such information is provided in a way that presents a coherent picture of all Federal programs, and the performance of the Federal Government as well as individual agencies.

SEC. 8. AGENCY CHIEF OPERATING OFFICERS.

Chapter 11 of title 31, United States Code, is amended by adding after section 1122 (as added by section 7 of this Act) the following:

§ 1123. Chief Operating Officers

(a) Establishment.—At each agency, the deputy head of agency, or equivalent, shall be the Chief Operating Officer of the agency.

(b) Function.—Each Chief Operating Officer shall be responsible for improving the management and performance of the agency, and shall—

(1) provide overall organization management to improve agency performance and achieve the mission and goals of the agency through the use of strategic and performance planning, measurement, analysis, regular assessment of progress, and use of performance information to improve decisions achieved; and

(2) advise and assist the head of agency in carrying out the requirements of sections
1115 through 1112 of this title and section 306 of title 5;
“(3) oversee agency-specific efforts to improve management functions within the agency and, 
“(4) coordinate and collaborate with relevant personnel within and external to the agency who have a significant role in contributing to and achieving the mission and goals of the agency, such as the Chief Financial Officer, Chief Human Capital Officer, Chief Ac quisition Officer;Senior Procurement Executive, Chief Information Officer, and other line of business chiefs at the agency.”.

SEC. 9. AGENCY PERFORMANCE IMPROVEMENT OFFICERS AND THE PERFORMANCE IMPROVEMENT COUNCIL.
Chapter 11 of title 31, United States Code, is amended by adding after section 1123 (as added by section 8 of this Act) the following: “§ 1124. Performance Improvement Officers and the Performance Improvement Council

“(a) PERFORMANCE IMPROVEMENT OFFICERS.—

“(1) ESTABLISHMENT.—At each agency, the head of the agency, in consultation with the agency Chief Operating Officer, shall designate a senior executive of the agency as the agency Performance Improvement Officer.

“(2) FUNCTION.—Each Performance Improvement Officer shall report directly to the Chief Operating Officer, Subject to the direction of the Chief Operating Officer, each Performance Improvement Officer shall—

“(A) advise and assist the head of the agency and the Chief Operating Officer to ensure that the mission and goals of the agency are achieved through strategic and performance planning, measurement, analysis, regular assessment of progress, and use of performance information to improve the results achieved;

“(B) advise the head of the agency and the Chief Operating Officer on the selection of agency goals, including opportunities to collaborate with other agencies on common goals;

“(C) assist the head of the agency and the Chief Operating Officer in overseeing the implementation of the agency strategic planning, personnel planning, and reporting requirements provided under sections 1115 through 1112 of this title and sections 306 of title 5, including the contributions of the agency to the Federal Government priority goals;

“(D) support the head of agency and the Chief Operating Officer in the conduct of regular personnel performance appraisals, as appropriate, other agency personnel and planning processes and assessments; and

“(E) ensure that agency progress toward the achievement of all goals is communicated to leaders, managers, and employees in the agency and Congress, and made available on a public website of the agency.

“(b) PERFORMANCE IMPROVEMENT COUNCIL.—

“(1) ESTABLISHMENT.—There is established a Performance Improvement Council, consisting of—

“(A) the Deputy Director for Management of the Office of Management and Budget, who shall act as chairperson of the Council;

“(B) the Performance Improvement Council’s designee from each agency defined in section 901(b) of this title;

“(C) other Performance Improvement Officers as determined appropriate by the chairperson; and

“(D) other individuals as determined appropriate by the chairperson.

“(2) FUNCTION.—The Performance Improvement Council shall—

“(A) be convened by the chairperson or the designee of the chairperson shall provide, as appropriate, at the meetings of the Performance Improvement Council, determine its agenda, direct its work, and establish and direct subgroups of the Performance Improvement Council, as appropriate, to deal with particular subject matters;

“(B) assist the Director of the Office of Management and Budget in implementing the performance of the Federal Government and achieve the Federal Government priority goals;

“(C) assist the Director of the Office of Management and Budget in implementing the planning, reporting, and use of performance information required related to the Federal Government priority goals provided under sections 1115, 1120, 1121, and 1122 of this title;

“(D) work to resolve specific Government-wide or crosscutting performance issues, as necessary;

“(E) facilitate the exchange among agencies of practices that have led to performance improvement within specific programs, agencies, or across agencies;

“(F) coordinate with other interagency management councils;

“(G) seek advice and information as appropriate from nonmember agencies, particularly smaller agencies;

“(H) consider the performance improvement strategies, experiences, and lessons learned from corporations, nonprofit organizations, foreign, State, and local governments, Government employees, public sector unions, and customers of Government services;

“(I) receive such assistance, information and advice from agencies as the Council may request, which agencies shall provide to the extent permitted by law; and

“(J) develop and submit to the Director of the Office of Management and Budget, or, when appropriate to the President through the head of the Office of Management and Budget, at times and in such formats as the chairperson may specify, recommendations to streamline and improve performance management policies and procedures.

“(3) SUPPORT.—

“(A) IN GENERAL.—The Administrator of General Services shall provide administrative and technical support for the Council to implement this section.

“(B) PERSONNEL.—The heads of agencies with Performance Improvement Officers serving on the Council shall, as appropriate, and to the extent permitted by law, provide at the request of the chairperson of the Performance Improvement Council up to 2 personnel authorizations to serve at the direction of the chairperson.

“SEC. 10. FORMAT OF PERFORMANCE PLANS AND REPORTS.

“(a) SEARCHABLE, MACHINE-READABLE PLANS AND REPORTS.—For fiscal year 2012 and each fiscal year thereafter, each agency required to submit performance plans, and performance updates in accordance with the amendments made by this Act shall—

“(1) not incur expenses for the printing of strategic plans, performance plans, and performance reports for release external to the agency, except when providing such documents to the Office of Management and Budget; and

“(2) produce such plans and reports in searchable, machine-readable formats; and

“(3) make such plans and reports available on the website described under section 1122 of title 31, United States Code.

“(b) WEB-BASED PERFORMANCE PLANNING AND REPORTING.—

“(1) IN GENERAL.—Not later than June 1, 2012, the Director of the Office of Management and Budget shall issue guidance to agencies to provide concise and timely performance information on the website described under section 1122 of title 31, United States Code, including, at a minimum, all requirements of sections 1115 and 1116 of title 31, United States Code, except for section 1115(e).

“(2) HIGH-PRIORITY GOALS.—For agencies required to develop agency priority goals under section 1122 of title 31, United States Code, the performance information required under this section shall be merged with the existing information required under section 1122 of title 31, United States Code.

“(3) CONSIDERATIONS.—In developing guidance under this subsection, the Director of the Office of Management and Budget shall take into consideration the experiences of agencies in making consolidated performance planning and reporting information available on the website under section 1122 of title 31, United States Code.

“SEC. 11. REDUCING DUPLICATIVE AND OUTDATED AGENCY REPORTING.

“(a) BUDGET CONTENTS.—Section 1105(a) of title 31, United States Code, is amended—

“(1) by redesigning second paragraph (33) as paragraph (33); and

“(2) by adding at the end the following:

“(37) the list of plans and reports, as provided for under section 1125, that agencies identified for elimination or consolidation because the plans and reports are determined outdated or duplicative of other reports;”.

“(b) ELIMINATION OF UNNECESSARY AGENCY REPORTING.—Chapter 11 of title 31, United States Code, is further amended by adding after section 1124 (as added by section 9 of this Act) the following:

“§ 1125. Elimination of unnecessary agency reporting

“(a) AGENCY IDENTIFICATION OF UNNECESSARY REPORTS.—Annually, based on guidance provided by the Director of the Office of Management and Budget, the Chief Operating Officer at each agency shall—

“(1) compile a list that identifies all plans and reports the agency produces for Congress, in accordance with statutory requirements or as directed in congressional reports; and

“(2) analyze the list compiled under paragraph (1), identify which plans and reports are outdated or duplicative of other required plans and reports, and refine the list to include only the plans and reports identified to be outdated or duplicative;

“(3) consult with the congressional committees that receive the plans and reports identified under paragraph (2) to determine whether those plans and reports are no longer useful to the committees and could be eliminated or consolidated with other plans and reports; and

“(4) provide a total count of plans and reports compiled under paragraphs (1) and (2) and the list of outdated and duplicative plans and reports identified under paragraph (2) to the Director of the Office of Management and Budget.

“(b) PLANS AND REPORTS.

“(1) FIRST YEAR.—During the first year of implementation of this section, the list of plans and reports identified by each agency as outdated or duplicative shall not be less than 10 percent of all plans and reports identified under subsection (a)(1).
"(2) SUBSEQUENT YEARS.—In each year following the first year described under paragraph (1), the Director of the Office of Management and Budget shall determine the minimum number of plans and reports to be identified as outdated or duplicative on each list of plans and reports.

"(c) REQUEST FOR ELIMINATION OF UNNECESSARY REPORTING.—In addition to including on each list of plans and reports determined to be outdated or duplicative by each agency in the budget of the United States Government, as provided in subsection (b), the Director of the Office of Management and Budget may concurrently submit to Congress legislation to eliminate or consolidate such plans and reports.

SEC. 12. PERFORMANCE MANAGEMENT SKILLS AND COMPETENCIES.

(a) PERFORMANCE MANAGEMENT SKILLS AND COMPETENCIES.—Not later than 1 year after the date of enactment of this Act, the Director of the Office of Personnel Management, in consultation with the Performance Improvement Council, shall identify the key skills and competencies needed by Federal Government personnel for developing goals, evaluating programs, and analyzing and using performance information for the purpose of improving Government efficiency and effectiveness.

(b) POSITION CLASSIFICATIONS.—Not later than 2 years after the date of enactment of this Act, the Director of the Office of Personnel Management shall incorporate, as appropriate, the key skills and competencies into relevant position classifications.

(c) INCORPORATION INTO EXISTING AGENCY TRAINING.—Not later than 2 years after the date of enactment of this Act, the Director of the Office of Personnel Management shall work with each agency, as defined under section 306(c) of the Government Performance and Results Act of 1993, to incorporate the key skills identified under subsection (a) into training for relevant employees at each agency.

SEC. 13. TECHNICAL AND CONFORMING AMENDMENTS.

(a) The table of contents for chapter 3 of title 5, United States Code, is amended by striking the item relating to section 306 and inserting the following: "306. Agency strategic plans."

(b) The table of contents for chapter 11 of title 31, United States Code, is amended by striking the item relating to section 1115 and 1116 and inserting the following: "1115. Federal Government and agency performance plans. 1116. Agency performance reporting."

SEC. 14. IMPLEMENTATION OF THIS ACT.

(a) INTERIM PLANNING AND REPORTING.—

(1) IN GENERAL.—The Director of the Office of Management and Budget shall coordinate with agencies to develop interim Federal Government performance plans and submit interim Federal Government performance plans consistent with the requirements of this Act beginning with the submission of the fiscal year 2013 Budget of the United States Government.

(b) REQUIREMENTS.—Each agency shall—

(A) not later than September 30, 2012, make adjustments to its strategic plan to make the plan consistent with the requirements of this Act;

(B) prepare and submit performance plans consistent with the requirements of this Act, including the identification of agency priority goals, beginning with the performance plan for fiscal year 2013; and

(C) make performance reporting updates consistent with the requirements of this Act beginning in fiscal year 2012.

(2) QUARTERLY REVIEWS.—The quarterly priority progress reviews required under this Act shall begin—

(A) with the first full quarter beginning on or after the date of enactment of this Act for agencies based on the agency priority goals contained in the Analytical Perspectives volume of the Fiscal Year 2011 Budget of the United States Government; and

(B) with the quarter ending June 30, 2012 for the interim Federal Government priority goals.

(b) GUIDANCE.—The Director of the Office of Management and Budget shall prepare guidance for agencies in carrying out the interim planning and reporting activities required under subsection (a), in addition to any other guidance as required for implementation of this Act.

SEC. 15. CONGRESSIONAL OVERSIGHT AND LEGISLATION.

(a) IN GENERAL.—Nothing in this Act shall be construed as limiting the ability of Congress to establish, amend, suspend, or annul a goal of the Federal Government or an agency.

(b) GAO REVIEWS.—

(1) ANNUAL PLANNING AND REPORTING EVALUATION.—Not later than June 30, 2013, the Comptroller General shall submit a report to Congress that includes—

(A) an evaluation of the implementation of the interim planning and reporting activities conducted under section 14 of this Act; and

(B) any recommendations for improving implementation of this Act as determined appropriate.

(2) IMPLEMENTATION EVALUATIONS.—

(A) IN GENERAL.—The Comptroller General shall evaluate implementation of this Act subsequent to the interim planning and reporting activities evaluated in the report submitted to Congress under paragraph (1).

(B) AGENCY PERFORMANCE PLANS.

(i) EVALUATIONS.—The Comptroller General shall evaluate how implementation of this Act is affecting performance management and the agency priority goals described in section 901(b) of title 31, United States Code, including whether performance management is being used by those agencies to improve the efficiency and effectiveness of agency programs.

(ii) REPORTS.—The Comptroller General shall submit to Congress—

(I) an initial report on the evaluation under clause (i), not later than September 30, 2015; and

(II) a subsequent report on the evaluation under clause (i), not later than September 30, 2017.

(C) FEDERAL GOVERNMENT PLANNING AND REPORTING IMPLEMENTATION.

(i) EVALUATION.—The Comptroller General shall evaluate the implementation of the Federal Government priority goals, Federal Government performance plans and related recommendations required by this Act.

(ii) REPORTS.—The Comptroller General shall submit to Congress—

(I) an initial report on the evaluation under clause (i), not later than September 30, 2015; and

(II) subsequent reports on the evaluation under clause (i), not later than September 30, 2017.
not use it. Enormous efforts are put into collecting this data, and then it sits on the shelf. Typically, this performance data is only reported once a year, so it is often too late by the time we discover whether we are improving or failing behind.

We also do not compare the results of similar programs. Too often, so many of our government functions are sliced by agency or Department and rarely is this done in any kind of crosscutting fashion. We in the task force took a look at this. We looked, for example, at workforce training programs across the Federal Government. We are currently funding 44 separate Federal programs within 9 different departments to support workforce training. We all would agree that in a changing world, workforce training is key to America’s competitiveness. But 44 programs in 9 different departments without any kind of crosscutting analysis? No business could operate that way. And it is not just workforce training. In food safety—a piece of legislation that we are working on that I and I know the President hopes we pass by the end of the year to put new food safety standards in place—in food safety, we currently fund 17 different entities within 7 different departments involved in food safety activities. So how can we assess what is working and what is not working?

In short, government operates in silos. We report by agency and by program, but we do not know what we are doing in government in any particular program or specific policy goal area. We need a better system that enables us to review the results of each program as a whole in terms of how they feed into a policy objective, where we are having the most impact, and, candidly, what we could find some room to cut or curtail.

Our Federal performance system also needs to increase the accountability of senior agency leadership. In many agencies, the performance planning and reporting is disconnected from the senior officials and not part of the daily operations of the agency. In other words, somebody’s got this task, but their functions of performance audits and measurements and metrics do not have a direct line of reporting to whoever the chief operating officer of the particular agency is. I can say that at the State and local level, we have actually made some progress doing this around. Let me parochially start with what we did in Virginia. This chart I have in the Chamber is a little bit busy, but we created a Virginia Performs Web site. We use this to track progress we are making and to assess how we are doing. We also felt these efforts will generate “back office” savings, and we have as a policy goal—I do not believe this will be a stretch—a literally 10-percent reduction in reporting requirements are of equal value. So the task force has focused on reducing the number of reports required to those who are responsible and those metrics are reported to that chief operating officer. We also establish a performance improvement officer who reports directly to the CIO and, again, works across agencies to meet our crosscutting goals.

We also feel these efforts will generate “back office” savings, and we have as a policy goal—I do not believe this will be a stretch—a literally 10-percent reduction in reporting requirements are of equal value. So the task force has focused on reducing the number of reports required to those who are responsible and those metrics are reported to that chief operating officer. We also establish a performance improvement officer who reports directly to the CIO and, again, works across agencies to meet our crosscutting goals.

Fourth, we need to take important steps to improve the accountability of the senior officials in government agencies. We formally establish that agency secretaries are the chief operating officers and hold them accountable for the results the agencies are looking for. Again, you have to have a chain of command so somebody knows who is the chief operating officer and who the people who are performing are responsible and those metrics are reported to that chief operating officer. We also establish a performance improvement officer who reports directly to the CIO and, again, works across agencies to meet our crosscutting goals.

We also feel these efforts will generate “back office” savings, and we have as a policy goal—I do not believe this will be a stretch—a literally 10-percent reduction in reporting requirements are of equal value. So the task force has focused on reducing the number of reports required to those who are responsible and those metrics are reported to that chief operating officer. We also establish a performance improvement officer who reports directly to the CIO and, again, works across agencies to meet our crosscutting goals.

I think the Government Performance and Results Modernization Act moves us forward in a major way. So this legislation—commonsense business practices, bipartisan, in an effort that will meet the 10-percent reduction in agencies, the effort to make sure we can look at policy goals not by individual department or agency but across programmatic areas; the same kinds of business techniques that are used in Fortune 500 companies across America and, for that matter, all across the world—will bring these best practices into the Federal Government and make sure we do not have this kind of start-and-stop effort that has, unfortunately, plagued modernization efforts over the past. I urge my colleagues on both sides of the aisle—since this is bipartisan supported—to join in this effort. As we think about many of the major issues
that we kind of fight through in these remaining days of this Congress. I hope, for this kind of commonsense piece of legislation, that we could get the time needed to get it passed. Again, I urge my colleagues to join us in this effort.

Mr. AKAKA. Mr. President, I am pleased to join Senators CARPER, WARNER, COLLINS, LIEBERMAN, and VOINOVI Č in introducing the GPRA Modernization Act of 2010.

As an original sponsor of the Government Performance and Results Act of 1993, often referred to as GPRA or the Results Act, I believe the time has come to refine and enhance this landmark bill.

President Obama, in his inaugural address, observed:

The question we ask today is not whether our government is too big or too small but whether it works.

This question captures the essence of what this Act seeks to achieve. While the original Results Act made significant progress in encouraging agencies to develop a results-oriented culture, it is time to modernize GPRA. Several long-standing challenges hinder agency efforts to answer this critical question. Our legislation is a bipartisan effort to empower agencies to overcome these challenges and better evaluate how to use taxpayer dollars in the most efficient and effective way possible.

Prior to 1993, Congress had never enacted a statutory framework for strategic planning, goal setting, or performance measurement. According to the U.S. Government Accountability Office, before GPRA, few agencies had results-oriented performance information to manage or make strategic policy decisions. The Results Act was a bipartisan effort that succeeded in establishing a comprehensive and consistent statutory foundation of required agency strategic plans, annual performance plans, and annual performance reports. GPRA is and must remain a cornerstone of the Federal Government’s efforts to strengthen strategic planning across all agencies.

Lessons learned from nearly two decades worth of experience implementing the Results Act, informed by numerous GAO reports and recommendations; confirm the need to strengthen the statutory framework established by GPRA.

The legislation we offer today draws on this experience, applying lessons learned to amend GPRA to address the limitations identified by GAO and other observers. I will highlight a few of the important provisions in this bill. Our bill requires the Director of the Office of Management and Budget to develop a Federal Government performance plan and to coordinate with agencies to develop Federal Government priority goals for management and policy issues that cut across agencies. This provision addresses a long-standing GAO recommendation that the Federal Government develop a government-wide performance plan to provide OMB, agencies, and Congress, with a structured framework for addressing crosscutting policy initiatives and program efforts.

This legislation also strengthens the congressional consultation provisions to require timely legislative consultation with Congress when developing strategic plans and identifying priority goals. GAO has found that regular consultation with Congress about the content and format of strategic and performance plans is critical to ensure that both the executive and legislative branches are engaged in improving government performance. Full congressional buy-in is a key element to building a sustainable performance management framework.

Our legislative proposal also addresses performance management skills and competencies, which GAO has identified as a critical factor in determining an agency’s success in utilizing performance management systems. A 2007 GAO survey found that nearly half reported not receiving training that would assist in utilizing performance information. Our bill addresses this training deficit by requiring the Director of the Office of Personnel Management to establish key performance management skills and competencies and incorporate them into relevant position classifications and training curricula.

Congress has a responsibility to promote effective performance management. Congress must push Federal agencies to spend taxpayer dollars wisely, while carrying out critical missions. The GPRA Modernization Act is an important step towards accomplishing this goal, and I urge my colleagues to support this legislation.

By Mr. LEAHY (for himself, Mr. WHITEHOUSE, and Mr. KAUFMANN)

S. 3854. A bill to expand the definition of scheme or artifice to defraud with respect to mail and wire fraud; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I am pleased to introduce the Honest Services Restoration Act with Senator WHITEHOUSE and Senator KAUFMANN.

The legislation will restore critical tools used by investigators and prosecutors to combat public corruption and corporate fraud, which the Supreme Court recently weakened in Skilling v. United States.

In Skilling, the Court sided with an Enron executive who had been convicted of fraud, and in doing so, held that the honest services fraud statute may be used to prosecute only bribery and kickbacks, but no other conduct. That leaves other corrupt and fraudulent conduct that prosecutors in the past addressed under the honest services fraud statute to go unchecked. Most notably, the Court’s decision excused public officials who were charged with so-called “self-dealing” by state and federal public officials, and corporate officers and directors, which is when those officials or executives secretly act in their own financial self-interest, rather than in the interest of the public or, in the private sector cases, their shareholders and employees. The Honest Services Restoration Act restores the honest services statute to cover this undisclosed “self-dealing” by state and federal public officials, and corporate officers and directors.

In a hearing earlier today, the Judiciary Committee heard testimony from experts who explored the kinds of problematic conduct that may now go unchecked in the wake of the Skilling decision. The testimony also considered what Congress can and should do to fill those gaps and restore strong enforcement to combat corrupt and fraudulent conduct.

It is clear that in recent years, the stain of corruption has spread to all levels of government. This is a problem that victimizes every American by siphoning away at the foundations of our democracy and the faith that Americans have in their government.

Recent years have also seen a plague of financial and corporate frauds that have severely undermined our economy and hurt too many hardworking people in this country. These frauds have robbed people of their savings, their retirement accounts, college funds for their children, and have cost too many people their homes.

Congress has acted, by passing the Fraud Enforcement and Recovery Act and other key provisions, to give prosecutors and investigators more tools to combat fraud. But we must remain vigilant, as the methods and techniques used by those who would defraud hardworking Americans continue to change. Too often, loopholes in existing laws have meant that corrupt conduct can go unchecked. The honest services fraud statute has enabled prosecutors to root out corrupt and fraudulent conduct that would otherwise slip through those gaps and we must tighten it so it can perform that important role again.

Congress must act aggressively but carefully to strengthen our laws to root out corruption and fraud. By preventing public officials and corporate executives from acting in their own self-interest at the expense of the people they serve, the Honest Services Restoration Act closes a gap created by Skilling and strengthens a critical law enforcement tool. I look forward to working with Senators from both parties to quickly pass this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD. The hearing no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3854

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Honest Services Restoration Act”.

September 28, 2010

CONGRESSIONAL RECORD — SENATE

S7631
(a) For purposes of this chapter, the term ‘scheme or artifice to defraud’ also includes—

(i) a scheme or artifice by which any person knowingly falsifies, conceals, or covers up material information regarding that financial interest by any Federal, State, or local statute, rule, regulation, or charter applicable to the public official, or knowingly fails to disclose material information regarding that financial interest in a manner that is required by any Federal, State, or local statute, rule, regulation, or charter applicable to the public official;

(ii) a person, business, or organization from whom the public official has received a thing of value or a series of things of value, otherwise than as provided by law for the proper discharge of official duty, or by rule or regulation; and

(b)(1) In subsection (a)(1)—

(A) the term ‘undisclosed self-dealing’ means—

(i) a public official performs an official act for the purpose, in whole or in part, of benefitting or furthering a financial interest of—

(I) the officer or director; or

(II) the officer or director’s spouse or minor child;

(ii) a general partner of the public official;

(iii) a person, business, or organization that is the employer of the officer or director from whom the officer or director is knowingly failing to disclose material information regarding that financial interest by any Federal, State, or local statute, rule, regulation, or charter applicable to the officer or director; or

(V) a person, business, or organization from whom the public official has received a thing of value or a series of things of value, otherwise than as provided by law for the proper discharge of official duty, or by rule or regulation; and

(ii) the public official knowingly falsifies, conceals, or covers up material information that is required by any Federal, State, or local statute, rule, regulation, or charter applicable to the public official, or knowingly fails to disclose material information regarding that financial interest in a manner that is required by any Federal, State, or local statute, rule, regulation, or charter applicable to the public official.

(2) a scheme or artifice by which any person knowingly falsifies, conceals, or covers up material information regarding that financial interest by any Federal, State, or local statute, rule, regulation, or charter applicable to the public official, or

(B) the term ‘employer’ includes publicly traded corporations, and private charities; and

(C) the term ‘employee’ includes any person, business, or organization from whom the officer or director is knowingly failing to disclose material information regarding that financial interest in a manner that is required by any Federal, State, or local statute, rule, regulation, or charter applicable to the officer or director; or

(3) an officer or director knowingly falsifies, conceals, or covers up material information regarding that financial interest by any Federal, State, or local statute, rule, regulation, or charter applicable to the public official.

(b) In subsection (a)(2)—

(A) the term ‘undisclosed self-dealing’ means—

(i) an officer or director performs an act which causes or is intended to cause harm to the officer’s or director’s employer, and which is undertaken in whole or in part to benefit or further by an actual or intended value of $5,000 or more a financial interest of—

(B) the term ‘employer’ includes publicly traded corporations, and private charities.
QECBs, which is a more suitable program for these entities as they can finance both renewable and energy efficiency projects with QECBs. Under this legislation, Tribal utilities would remain eligible issuers of CREBs. In addition, the bill clarifies that any reimbursement rules associated with bond proceeds are governed by the reimbursement rules applicable to tax-exempt bonds. It is widely recognized in the public finance community that the existing wording in Section 54A(d)(2)(D) is at best unclear and at worst incorrect. State and local government issuers of bonds are familiar with the reimbursement rules applicable to tax-exempt bonds and there is no tax policy reason to have two sets of reimbursement rules.

Finally, the bill insures that any new CREBs allocated before the date of enactment of this bill are not affected by any of these amendments. The intent is to ensure that the “government bodies” category is still able to issue previously allocated CREBs and are not retroactively cut out of the program.

This bill is good energy policy because it will lead to the development of thousands of megawatts of renewable power. This policy also maintains the integrity of the CREBs program, and it is overall good public policy because it provides parity between investor-owned and consumer-owned utilities.

By Mr. LEAHY (for himself, Mrs. GILLIBRAND, and Mr. SCHUMER):
S. 3858. A bill to improve the H–2A agricultural worker program for use by dairy farmers, sheepherders, and goat herders, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, in these challenging economic times, dairy farmers in Vermont, New York, and across America are experiencing particularly difficult conditions. They face both rock-bottom milk prices, and a severe labor shortage. There is an immediate solution for one of these issues. Labor shortages could be met with foreign agricultural workers under a special visa program, called H–2A, which allows farmers who are unable to fill labor needs with domestic workers to hire temporary or seasonal foreign workers. I have long sought to include dairy farmers in the H–2A program, but the Department of Labor has consistently refused to interpret the law to allow dairy farmers access to seasonal foreign workers.

Last fall, the Department of Labor initiated a rulemaking process to reconsider various aspects of the H–2A program. I repeatedly urged the Department to exercise its authority to give dairy farmers access to H–2A workers, both through comments I submitted in the formal rulemaking and by supporting the comments of the National Farmers Union. Nonetheless, on February 11, 2010, the Department released a final rule that continues to exclude the dairy industry from this valuable program. Inexplicably, while refusing to include the dairy industry because of its year-round needs, the Department of Labor extends new access to the H–2A program to the logging industry, and continues to deny access to the purportedly seasonal worker visas to the year-round shepherding industry.

Today, I introduce the H–2A Improvement Act with Senators GILLIBRAND and SCHUMER. This bill will finally end the inequity under current law. The H–2A Improvement Act will make explicit in law that dairy farms can use the H–2A program, ensuring that dairy farmers in Vermont, New York, and throughout the Nation can find the labor they need to stay in business, meeting the needs of their communities and American families. This legislation, which also gives statutory access to the H–2A program to sheep herders and goat herders, contains provisions ensuring that the benefit that these workers provide to farmers is maximized. The legislation authorizes this unique class of workers to remain in the United States for an initial period of 3 years, and gives U.S. Citizenship and Immigration Services the authority to renew for an additional 3-year period as needed. After the initial 3-year period, the worker may petition to become a lawful permanent resident.

The failure to allow the dairy industry to participate in the H–2A program puts many dairy farmers in the situation of having to choose between their livelihoods and following the law. Late last year, the Department of Homeland Security audited at least four dairy farms in Vermont. Although I strongly believe that the vast majority of dairy farmers want to hire a lawful workforce, there is a critical shortage of domestic workers available to work on dairy farms. Dairy farmers are often ill-equipped to verify the authenticity of documents that job applicants present. As a result, some of the workers the farmers hire may not be lawfully authorized to work. With all the challenges facing dairy farmers today, we should help dairy farmers hire lawful workers, not leave them with the precarious choice of hiring workers who may be unauthorized, or hiring no workers at all.

Expanding the H–2A program to include dairy workers would protect both American and foreign workers. It would protect American workers from having to compete with an unlawful workforce, in which unscrupulous employers pay lower wages in often unsafe conditions. At the same time, it would protect foreign dairy workers, by requiring that employers comply with existing H–2A regulations and wage and hour and occupational safety laws. This legislation, if enacted, would give foreign workers who seek employment at the dignity and certainty of lawful status and the opportunity to be productive members of the communities in which they work.

In 2006 and 2007, I worked to include nearly identical provisions in the Senate’s comprehensive immigration bills. This legislation reflects those provisions. The measure I introduce today is a simple, targeted fix to our immigration laws that will enable dairy farmers to gain the benefits of this important program. While I recognize that many agricultural employers are frustrated by the current regulatory process, it is a critical first step, and a matter of basic fairness that dairy farmers be afforded the same opportunities to obtain labor as all other agricultural sectors.

Although this legislation is necessary to meet the immediate needs of dairy farmers, I also want to make absolutely clear that I remain in complete support of the more comprehensive AgJOBS legislation, which I joined Senator FEINSTEIN in introducing last year, and on which Senator FEINSTEIN and others have worked tirelessly. I will continue to strongly support that legislation, and Senator DURBAN in her efforts to see it enacted. AgJOBS is broader than the H–2A Improvement Act. It reforms the broader H–2A program to cover agricultural workers that are currently assisting American farmers, but who are not lawfully authorized to work. It also makes important, negotiated changes to streamline the H–2A regulatory process for employers and workers. I recognize that farmers across the country need a comprehensive solution—from Vermont’s small dairy farms to the vast fields of California. The solution that the AgJOBS legislation proposes will benefit agriculture across the Nation and is a solution I remain committed to making a reality.

I will also continue to work with Senate leadership and Senator FEINSTEIN from both sides of the aisle to accomplish our shared goals for broader reform of our Nation’s immigration system. In the meantime, America’s dairy farmers must at least be placed on the same footing as other agricultural interests with respect to our current H–2A laws.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 3858
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION I. SHORT TITLE.
This Act may be cited as the “H–2A Improvement Act”.

SEC. 2. NONIMMIGRANT STATUS FOR DAIRY WORKERS, SHEEPHERDERS, AND GOAT HERDERS.

SEC. 3. SPECIAL RULES FOR ALIENS EMPLOYED AS DAIRY WORKERS, SHEEPHERDERS, OR GOAT HERDERS.

Section 218 of the Immigration and Nationality Act (8 U.S.C. 1188) is amended—

(1) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively;

(2) by inserting after subsection (g) the following:

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(h) SPECIAL RULES FOR ALIENS EMPLOYED AS DAIRY WORKERS, SHEEPHERDERS, OR GOAT HERDERS.—

(1) IN GENERAL.—Notwithstanding any other provision of this Act, an alien admitted to the United States under section 101(a)(15)(H)(ii)(A) for employment as a dairy worker, sheepherder, or goat herder—

(A) may be admitted for an initial period of 3 years; and

(B) subject to paragraph (3)(E), may have such initial period of admission extended for an additional period of up to 3 years.

(2) EXEMPTION FROM TEMPORARY OR SEASONAL REQUIREMENT.—Notwithstanding section 101(a)(15)(H)(ii)(A), an employer filing a petition to employ H-2A workers in positions as dairy workers, sheepherders, or goat herders shall not be required to show that such positions are of a seasonal or temporary nature.

(3) ADJUSTMENT TO LAWFUL PERMANENT RESIDENT STATUS.—

(A) ELIGIBLE ALIEN.—In this paragraph, the term "eligible alien" means an alien who—

(i) has H-2A worker status based on employment as a dairy worker, sheepherder, or goat herder;

(ii) has maintained such status in the United States for a total of not fewer than 33 of the preceding 36 months; and

(iii) is seeking to receive an immigrant visa under section 203(b)(3)(A)(ii).

(B) CLASSIFICATION PETITION.—A petition under section 204 for classification of an eligible alien under section 203(b)(3)(A)(ii) may be filed by—

(i) the alien's employer on behalf of the eligible alien; or

(ii) the eligible alien.

(C) NO LABOR CERTIFICATION REQUIRED.—Notwithstanding section 203(b)(3)(C), no determination under section 212(a)(5)(A) is required with respect to an immigrant visa under section 203(b)(3)(A)(iii) for an eligible alien.

(D) EFFECT OF PETITION.—The filing of a petition described in subparagraph (B) or an application for adjustment of status based on a petition described in subparagraph (B) shall not be a basis for denying—

(i) another petition to employ H-2A workers;

(ii) an extension of nonimmigrant status for a H-2A worker;

(iii) admission of an alien as an H-2A worker;

(iv) a request for a visa for an H-2A worker;

(v) a request from an alien to modify the alien's immigration status to or from status as an H-2A worker; or

(vi) a request made for an H-2A worker to extend such worker's stay in the United States.

(E) EXTENSION OF STAY.—The Secretary of Homeland Security shall extend the stay of an alien that is the subject of a pending or approved petition described in subparagraph (B) in 1-year increments until a final determination is made on the alien's eligibility for adjustment to that of an alien lawfully admitted for permanent residence.

(F) CONSTRUCTION.—Nothing in this paragraph may be construed to prevent an eligible alien seeking adjustment of status in accordance with any other provision of law.
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land in the heart of the Appalachian who come after us.

of our natural environment for those that provides jobs for West Virginians Virginia. This is needed development new development is coming to West to come. However, at the same time, tional will continue for many decades tration is one of these incredible areas and has the most ecologically diverse regions in the country. North Fork Mountain is one of these incredible areas and has earned the Forest Service’s highest rating for Natural Integrity in its Wilderness Attribute Rating System. The mountain is a nesting site for peregrine falcons and home to 120 rare plants, animals, and natural communities. With this wilderness designation all of these ecological treasures will be permanently protected.

Over the years I have heard from hundreds of West Virginians about how important wilderness is to them. I have heard from West Virginians who want to make sure that they will be able to continue to fish pristine streams and hunt in the forests. Wilderness is a major draw for the outdoor tourism indusry and will provide jobs.

Finally, I want to extend my thanks to Congressman Molloy, who has introduced identical legislation in the House of Representatives, for his leadership on this issue. I will continue to work with all stakeholders involved to move this legislation forward and to address any concerns while ensuring the preservation of this truly special place.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 652—HONORING MR. ALFRED LIND FOR HIS DEDICATION TO THE UNITED STATES DURING WORLD WAR II AS A MEMBER OF THE ARMED FORCES AND A PRISONER OF WAR, AND FOR HIS TIRELESS EFFORTS ON BEHALF OF OTHER MEMBERS OF THE ARMED FORCES TOUCHED BY WAR

Mrs. MURRAY submitted the following resolution; which was considered and agreed to:

SENATE RESOLUTION 653—DESIGNATING OCTOBER 30, 2010, AS A NATIONAL DAY OF REMEMBRANCE FOR NUCLEAR WEAPONS PROGRAM WORKERS

Whereas Mr. Lind has made over 400 quilts in honor of other members of the Armed Forces who have been touched by war; Whereas Mr. Lind passed away on September 10, 2010, at the age of 92; and Whereas Mr. Lind was a true patriot, who continued his service to the Armed Forces of the United States long after his retirement: Now, therefore, be it

Resolved, That the Senate honors Mr. Al fred Lind for—

(1) his service to the United States as a sol dier and as a prisoner of war; and
(2) his dedication to provide solace and comfort through Quilts of Valor to members of the Armed Forces and veterans alike.

Whereas, since World War II, hundreds of thousands of men and women, including uranium miners, millers, and haulers, have served the United States by building the nuclear defense weapons of the United States: Whereas these dedicated workers paid a high price for their service to develop a nuclear weapons program for the benefit of the United States, including having developed disabling or fatal illnesses; Whereas, in 2009, Congress recognized the contribution, service, and sacrifice these patriotic men and women made for the defense of the United States; Whereas, in the year prior to the approval of this resolution, a national day of remembrance time capsule has been crossing the United States, collecting artifacts and the stories of the nuclear workers relating to the nuclear defense era of the United States; Whereas these stories and artifacts reinforce the importance of recognizing these nuclear workers; and Whereas these patriotic men and women deserve to be recognized for the contribution, service, and sacrifice they have made for the defense of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 30, 2010, as a national day of remembrance for nuclear weapons program workers, including uranium miners, millers, and haulers, of the United States; and
(2) encourages the people of the United States to support and participate in appropriate ceremonies, programs, and other activities to commemorate October 30, 2010, as a national day of remembrance for past and present workers in the nuclear weapons programs of the United States.

SENATE RESOLUTION 654—DESIGNATING DECEMBER 18, 2010, AS “GOLD STAR WIVES DAY”

Whereas, in the year prior to the approval of this resolution, a national day of remembrance for Gold Star Wives was held; Whereas the Quilt of Valor Foundation distributes handmade quilts to members of the Armed Forces and veterans who have been wounded or touched by war to demonstrate support, honor and care for our Armed Forces; Whereas the Quilt of Valor Foundation has made and distributed over 30,000 quilts to members of the Armed Forces and veterans since the foundation began in 2003; and

Resolved, That the Senate—

(1) designates December 18, 2010, as a national day of remembrance for Gold Star Wives; and
(2) designates December 18, 2010, as “GOLD STAR WIVES DAY”

Mr. BURR (for himself, Mr. WEBB, Mr. BURRIS, and Mrs. MURRAY) submitted the following resolution; which was considered and agreed to:
Whereas the Senate has always honored the sacrifices made by the spouses and families of the fallen members of the Armed Forces of the United States;

Whereas the Gold Star Wives of America, Inc. represents the spouses and families of the members and veterans of the Armed Forces of the United States who have died on active duty or as a result of a service-connected disability;

Whereas the primary mission of the Gold Star Wives of America, Inc. is to provide service support and friendship to the spouses of the fallen members and veterans of the Armed Forces of the United States;

Whereas, in 1945, the Gold Star Wives of America, Inc. was organized with the help of Mrs. Eleanor Roosevelt to assist the families left behind by the fallen members and veterans of the Armed Forces of the United States;

Whereas the first meeting of the Gold Star Wives of America, Inc. was in 1945;

Whereas December 18, 2010, marks the 65th anniversary of the Incorporation of the Gold Star Wives of America;

Whereas the members and veterans of the Armed Forces of the United States bear the burden of protecting freedom for the United States; and

Whereas the sacrifices of the families of the fallen members and veterans of the Armed Forces of the United States should never be forgotten: Now, therefore, be it

Resolved, That the Senate—

(1) designates December 18, 2010, as "Gold Star Wives Day";

(2) honors and recognizes—

(A) the contributions of the members of the Gold Star Wives of America, Inc.; and

(B) the dedication of the members of the Gold Star Wives of America, Inc. to the members and veterans of the Armed Forces of the United States; and

(3) encourages the people of the United States to observe "Gold Star Wives Day" to promote awareness of—

(A) the contributions and dedication of the members of the Gold Star Wives of America, Inc. to the members and veterans of the Armed Forces of the United States; and

(B) the role the Gold Star Wives of America, Inc. plays in the lives of the spouses and families of the fallen members and veterans of the Armed Forces of the United States.

SENATE RESOLUTION 655—DESIGNATING NOVEMBER 2010 AS "STOMACH CANCER AWARENESS MONTH" AND SUPPORTING EFFORTS TO EDUCATE THE PUBLIC ABOUT STOMACH CANCER

Mr. FEINGOLD (for himself and Mr. DUNN) submitted the following resolution; which was considered and agreed to:

S. Res. 655

Whereas stomach cancer is one of the most difficult cancers to detect and treat in the early stages of the disease, which contributes to high mortality rates and human suffering;

Whereas stomach cancer is the second leading cause of cancer mortality worldwide; Whereas, in 2009, an estimated 21,000 new cases of stomach cancer were diagnosed in the United States;

Whereas, in 2010, an estimated 10,000 American Indians died of stomach cancer;

Whereas the estimated 5-year survival rate for stomach cancer is only 26 percent; Whereas approximately 1 in 113 individuals will be diagnosed with stomach cancer in their lifetimes; Whereas an inherited form of stomach cancer carries a 50 percent risk that an individual will be diagnosed with stomach cancer by age 80; Whereas, in the United States, stomach cancer is more prevalent among racial and ethnic minorities;

Whereas better patient and health care provider education is needed for the timely recognition of stomach cancer risks and symptoms;

Whereas more research into effective early diagnosis, screening, and treatment for stomach cancer is needed; and

Whereas November 2010 is an appropriate month to observe "Stomach Cancer Awareness Month": Now, therefore, be it

Resolved, That the Senate—

(1) designates November 2010 as "Stomach Cancer Awareness Month";

(2) supports efforts to educate the people of the United States about stomach cancer;

(3) recognizes the need for additional research into early diagnosis and treatment for stomach cancer; and

(4) encourages the people of the United States and interested groups to observe and support November 2010 as "Stomach Cancer Awareness Month" through appropriate programs and activities to promote public awareness of, and potential treatments for, stomach cancer.

SENATE RESOLUTION 656—EXpressing Support for the Inaugural USA Science & Engineering Festival

Mr. KAUFMAN (for himself, Mr. REID, Mr. BAucus, Mr. ROCKfeller, and Mr. AKAKA) submitted the following resolution; which was considered and agreed to:

S. Res. 656

Whereas the global economy of the future will require a workforce that is educated in the fields of science, technology, engineering, and mathematics (referred to in this preamble as "STEM"); Whereas a new generation of American students educated in STEM is crucial to ensure continued economic growth;

Whereas advances in technology have resulted in significant improvements in the daily lives of the people of the United States;

Whereas scientific discoveries are critical to curing diseases, solving global challenges, and expanding our understanding of the world;

Whereas strengthening the interest of American students in STEM is essential to ensuring a nation that leads the world in the fields of science and technology,

Whereas the inaugural 2009 San Diego Science Festival attracted more than 500,000 participants and inspired a national STEM effort;

Whereas the mission of the USA Science & Engineering Festival is to reinvigorate the interest of the young people of the United States in producing exciting and educational science and engineering gatherings;

Whereas countries around the world have held science festivals that have brought together hundreds of thousands of visitors to celebrate science;

Whereas the inaugural 2009 San Diego Science Festival attracted more than 500,000 participants and inspired a national STEM effort;

Whereas the inaugural 2009 San Diego Science Festival attracted more than 500,000 participants and inspired a national STEM effort;

Whereas the mission of the USA Science & Engineering Festival is to reinvigorate the interest of the young people of the United States in producing exciting and educational science and engineering gatherings;

Whereas thousands of individuals from universities, museums and science centers, STEM professional societies, educational societies, government agencies and laborato-
Whereas the well-being of the United States requires that the young people of the United States be an involved, caring citizenry of good character;  
Whereas the character education of children and youth is urgently needed, as violence by and against youth increasingly threatens the physical and psychological well-being of the people of the United States;  
Whereas more than ever, children need strong and constructive guidance from their families and their communities, including schools, youth organizations, religious institutions, and civic groups;  
Whereas the character of a nation is only as strong as the character of its individual citizens;  
Whereas the public good is advanced when young people are taught the importance of good character and the positive effects that good character can have in personal relationships, in school, and in the workplace;  
Whereas scholars and educators agree that people do not automatically develop good character and that, therefore, conscientious efforts must be made by institutions and individuals that influence youth to help young people develop the essential traits and characteristics that comprise good character;  
Whereas character development is, first and foremost, an obligation of families, the efforts of faith communities, schools, and youth, civic, and human service organizations, and an important role in fostering and promoting good character;  
Whereas Congress encourages students, teachers, parents, youth, and community leaders to recognize the importance of character education in preparing young people to play a role in determining the future of the United States;  
Whereas effective character education is based on core ethical values, which form the foundation of a democratic society;  
Whereas examples of character are trustworthiness, respect, responsibility, fairness, caring, citizenship, and honesty;  
Whereas elements of character transcend cultural, religious, and socioeconomic differences;  
Whereas the character and conduct of our youth reflect the character and conduct of society, and, therefore, every adult has the responsibility to recognize and model ethical values and every social institution has the responsibility to promote the development of good character;  
Whereas the Senate encourages individuals and organizations, especially those that have an interest in the education and training of the young people of the United States, to adopt the elements of character as intrinsic to the well-being of individuals, communities, and society;  
Whereas many schools in the United States recognize the need, and have taken steps, to integrate the values of their communities into their teaching activities; and  
Whereas the establishment of “National Character Counts Week”, during which individual, families, schools, youth organizations, religious institutions, civic groups, and other organizations focus on character education, is of great benefit to the United States; Now, therefore, be it  
Resolved, That the Senate—  
(A) to embrace the elements of character identified by local schools and communities, such as trustworthiness, respect, responsibility, fairness, caring, and citizenship; and  
(B) to observe the week with appropriate ceremonies, programs, and activities.  

SENATE RESOLUTION 659—SUPPORTING “LIGHTS ON AFTER-SCHOOL”, A NATIONAL CELEBRATION OF AFTERSCHOOL PROGRAMS  
Mr. DODD (for himself, Mr. ENSIGN, Mr. AKAKA, Mr. BAUCUS, Mr. BEGICH, Mr. COCHRAN, Mr. SPEIGHT, Mr. WHITEHOUSE, Ms. SNOWE, Mr. SANDERS, Mr. BURR, Mr. NAGLETTI, Mr. CARPER, Mrs. GILLIBRAND, Mrs. MURRAY, Mr. BURR, and Mrs. BOXER) submitted the following resolution; which was considered and agreed to:  

Resolved, That the Senate—  
(A) to establish engaging exhibits that promote understanding of other countries and the people of the United States;  
(B) to observe the week with appropriate programs in the lives of children, their families, and communities;  
(C) to support the integration of “Lights On Afterschool”, a national celebration of afterschool programs;  
(D) to encourage the high-school aged youth to volunteer in the lives of the youth of the Nation, thereby promoting positive relationships among children, youth, families, and adults;  
(E) to encourage high-quality afterschool programs engage families, schools, and diverse community partners in advancing the well-being of the children in the United States;  
(F) to promote the establishment of “National Character Counts Week”, a national celebration of afterschool programs held on October 21, 2010, highlights the critical importance of high-quality afterschool programs in the lives of children, their families, and their communities;  
(G) to support working families by ensuring that the children in such families are safe and protected at school and during the school day ends;  
(H) to encourage afterschool programs build stronger communities by involving students, parents, business leaders, and adult volunteers in the lives of the youth of the Nation, thereby promoting positive relationships among children, youth, families, and adults;  
(I) to encourage high-quality afterschool programs engage families, schools, and diverse community partners in advancing the well-being of the children in the United States;  
(J) to encourage the establishment of “Lights On Afterschool”, a national celebration of afterschool programs;  
(K) to encourage afterschool programs across the institutional and community landscape to open their doors and extend their reach to all children in the United States;  
(L) to encourage the support of the Senate for afterschool programs and the establishment of “National Character Counts Week”; and  
(M) to commend the Senate supports the goals and principles of “Lights On Afterschool”, a national celebration of afterschool programs;  

Resolved, That the Senate—  
(A) to establish engaging exhibits that promote understanding of other countries and the people of the United States;  
(B) to support the integration of “Lights On Afterschool”, a national celebration of afterschool programs;  
(C) to support working families by ensuring that the children in such families are safe and protected at school and during the school day ends;  
(D) to encourage afterschool programs build stronger communities by involving students, parents, business leaders, and adult volunteers in the lives of the youth of the Nation, thereby promoting positive relationships among children, youth, families, and adults;  
(E) to encourage high-quality afterschool programs engage families, schools, and diverse community partners in advancing the well-being of the children in the United States;  
(F) to promote the establishment of “National Character Counts Week”, a national celebration of afterschool programs held on October 21, 2010, highlights the critical importance of high-quality afterschool programs in the lives of children, their families, and their communities;  
(G) to support working families by ensuring that the children in such families are safe and protected at school and during the school day ends;  
(H) to encourage afterschool programs build stronger communities by involving students, parents, business leaders, and adult volunteers in the lives of the youth of the Nation, thereby promoting positive relationships among children, youth, families, and adults;  
(I) to encourage high-quality afterschool programs engage families, schools, and diverse community partners in advancing the well-being of the children in the United States;  
(J) to encourage the establishment of “Lights On Afterschool”, a national celebration of afterschool programs;  
(K) to encourage afterschool programs across the institutional and community landscape to open their doors and extend their reach to all children in the United States;  
(L) to encourage the support of the Senate for afterschool programs and the establishment of “National Character Counts Week”; and  
(M) to commend the Senate supports the goals and principles of “Lights On Afterschool”, a national celebration of afterschool programs;  
Resolved, That the Senate—  
(A) to establish engaging exhibits that promote understanding of other countries and the people of the United States;  
(B) to support the integration of “Lights On Afterschool”, a national celebration of afterschool programs;  
(C) to support working families by ensuring that the children in such families are safe and protected at school and during the school day ends;  
(D) to encourage afterschool programs build stronger communities by involving students, parents, business leaders, and adult volunteers in the lives of the youth of the Nation, thereby promoting positive relationships among children, youth, families, and adults;  
(E) to encourage high-quality afterschool programs engage families, schools, and diverse community partners in advancing the well-being of the children in the United States;  
(F) to promote the establishment of “National Character Counts Week”, a national celebration of afterschool programs held on October 21, 2010, highlights the critical importance of high-quality afterschool programs in the lives of children, their families, and their communities;  
(G) to support working families by ensuring that the children in such families are safe and protected at school and during the school day ends;  
(H) to encourage afterschool programs build stronger communities by involving students, parents, business leaders, and adult volunteers in the lives of the youth of the Nation, thereby promoting positive relationships among children, youth, families, and adults;  
(I) to encourage high-quality afterschool programs engage families, schools, and diverse community partners in advancing the well-being of the children in the United States;  
(J) to encourage the establishment of “Lights On Afterschool”, a national celebration of afterschool programs;
(B) to create fora for individuals working or conducting research in science, technology, engineering, and mathematics in the host country to discuss their work and the cooperation with the institutions and people of the United States and those of the host country; and

(C) to encourage future cooperation and relationships with students around the world in science, technology, engineering, and mathematics.

SENATE RESOLUTION 661—TO AUTHORIZEA REPRESENTATION BY THE SENATE LEGAL COUNSEL IN THE CASE OF MCCARTHY V. BYRD, ET AL

Mr. REID (for himself and Mr. McConNeLL) submitted the following resolution; which was considered and agreed to:

S. Res. 661

Whereas, in the case of McCarthy v. Byrd, et al., Case No. 1:10–CV–03317, pending in the United States District Court for the District of Nebraska, a habeas corpus petition has been filed by defendant the President Pro Tempore of the Senate; and

Whereas, pursuant to sections 706(a) and 706(b) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members and officers of the Senate in civil actions relating to their official responsibilities: Now therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senator Inouye, the President Pro Tempore of the Senate, in the case of McCarthy v. Byrd, et al.

SENATE RESOLUTION 662—TO AMEND THE STANDING RULES OF THE SENATE TO REFORM THE FIBILUSTER RULES TO IMPROVE THE DAILY PROCESS OF THE SENATE

Mr. UDALL of Colorado submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. Res. 662

Whereas the Senate has operated under the cloture rules for many decades;

Whereas there has been a marked increase in the use of filibusters in recent years;

Whereas sweeping, monumental legislation affecting economic recovery, reform of the healthcare system, reform of the financial regulatory system, and many other initiatives all were enacted in the 111th Congress after overcoming filibusters;

Whereas both parties have used the filibuster to prevent the passage of controversial legislation;

Whereas the Senate rules regarding cloture serve the legitimate purpose of protecting the rights of the minority;

Whereas there are many areas where the rules of the Senate have been abused, and can make way for changes that will improve the daily process of the Senate; and

Whereas bipartisan cooperation can overcome nearly any obstacle in the United States Senate, changing the Senate rules must also be done with bipartisan cooperation: Now, therefore, be it

Resolved,

SECTION 1. CHANGING VOTE THRESHOLD TO PRESENT AND VOTING

The second undesignated subparagraph of paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by striking “duly chosen and sworn” and inserting “present and voting”:

SEC. 2. MOTIONS TO PROCEED. Paragraph 2 of rule XXII of the Standing Rules of the Senate is amended to read as follows:

“2. Debate on a motion to proceed to the consideration of any matter, and any debatable motion or appeal in connection therewith, shall be limited to not more than 4 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees except for—

(1) a motion to proceed to a proposal to change the Standing Rules which shall be debatable; and

(2) a motion to go into executive session to consider a specified item of executive business and a motion to proceed to consider any privileged matter which shall not be debatable.

SEC. 3. NO FIBILUSTER AFTER COMPLETE SUBSTITUTE IS AGREED TO.

Paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by inserting at the end the following:

“If a complete substitute amendment for a measure is agreed to after consideration under cloture, the Senate shall be permitted to a final disposition of the measure without intervening action or debate except one quorum call if called for.”

SEC. 4. NO FIBILUSTER RELATED TO COMMITTEES ON CONFERENCE.

Rule XXVIII of the Standing Rules of the Senate is amended by inserting at the end the following:

“10. (a) Upon the Majority Leader making a motion to disagree with a House amendment or amendments or insist on a Senate amendment or amendments, request a conference with the House, or agree to the conference requested by the House on the disagreeing votes of the two Houses, and that the chair be authorized to appoint conference committees on the part of the Senate, debate on the motion, and any debatable motion or appeal in connection therewith, shall be limited to not more than 4 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(b) A motion made by the majority leader pursuant to subparagraph (a) shall not be debatable; and

(2) redesignating subparagraphs (b) through (e) as subparagraphs (a) through (d), respectively.

SEC. 5. TIME PRECLOTURE.

Paragraph 2 of rule XXII of the Standing Rules of the Senate is amended—

(1) striking subparagraph (a); and

(2) redesignating subparagraphs (b) through (e) as subparagraphs (a) through (d), respectively.

SEC. 6. DIVISION OF TIME POSTCLOTURE.

The fourth undesignated subparagraph of paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by inserting “‘to be equally divided between the majority and the minority’ after ‘thirty hours of consideration’:

SEC. 7. ALLOWING COMMITTEES TO MEET WITHOUT QUORUM.

Paragraph 5 of rule XXVI of the Standing Rules of the Senate is amended by—

AMENDMENTS SUBMITTED AND PROPOSED

SA 4667. Mr. WEBB (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 4668. Mr. DURBIN (for Mr. KYL (for himself, Mr. MERKLEY, Mr. BURR, Mrs. FEINSTEIN, Mr. INAKSON, Ms. COLLINS, and Mr. VITTER)) proposed an amendment to the bill H.R. 3940, to amend Public Law 96–597 to clarify the authority of the Secretary of the Interior to extend grants and other assistance to facilitate cultural, and other purposes.

SA 4669. Mr. DURBIN (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 3490, in the Senate, to the Secretary by which the Secretary of the Interior to extend grants and other assistance to facilitate cultural, and other purposes.

SA 4670. Mr. DURBIN (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 3490, to amend Public Law 96–597 to clarify the authority of the Secretary of the Interior to extend grants and other assistance to facilitate cultural, and other purposes.

SA 4671. Mr. DURBIN (for Mr. AKAKA) proposed an amendment to the bill H.R. 3219, to the Senate, to the Secretary by which the Secretary of the Interior to extend grants and other assistance to facilitate cultural, and other purposes.

TEXT OF AMENDMENTS

SA 4667. Mr. WEBB (for himself and Mr. WARNER) submitted an amendment

intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to provide military personnel strength levels for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title IX, add the following:

SEC. 953. LIMITATIONS ON DISESTABLISHMENT OR RELATED ACTIONS REGARDING THE UNIFIED COMBATANT COMMANDS.

(a) IN GENERAL.—The President may not disestablish, close, or realign a unified combatant command until the later of the following:

(1) The submittal by the Secretary of Defense to the congressional defense committees of a proposal for the disestablishment, closure, or realignment of the combatant command that sets forth the following:

(A) A description of the purpose and goals of, and the analytical basis and justification for, the proposal;

(B) A list of alternatives, if any, considered before recommending the proposal, including options such as the consolidation or elimination of functions at the command;

(C) A detailed description of personnel, activities of the Department of Energy, civilian, or contract personnel as a result of the proposal, and the projected impacts of such actions on military personnel, civilian employees, and contractor staff;

(D) An assessment of the impact of the proposal on the accomplishment of the main missions of the command, including a description and assessment of the manner in which such missions will be performed during and upon completion of the proposal;

(E) An evaluation of the impacts of the proposal on expenditures of Federal funds, including an estimate of any cost savings or cost increases that may be incurred by the Department of Defense or other departments and agencies of the Federal Government as a result of the proposal;

(F) An assessment of the impacts of the plan on employment and the economy in the localities affected by the proposal;

(G) An impact statement that reviews the environmental and socioeconomic impacts of the proposal at each location anticipated to experience an increase or decrease of more than 300 uniformed, civilian, or contract personnel as a result of the proposal.

(2) The submittal by the Secretary to the congressional defense committees of a certification that the disestablishment, closure, or realignment of the combatant command will not adversely affect military readiness, joint operations, defensive and offensive capabilities, joint training, joint capabilities development, or current and future joint operations;

(3) The submittal by the Comptroller General of the United States to the congressional defense committees of a report setting forth a review and assessment of the proposal submitted to the Congress under paragraph (1).

(b) UNIFIED COMBATANT COMMAND DEFINED.—In this section, the term ‘‘unified combatant command’’ has the meaning given that term in section 161(c)(1) of title 10, United States Code.

SA 4668. Mr. DURBIN (for Mr. KYL (for himself, Mr. MERKLEY, Mr. BURR, Mr. FEINSTEIN, Mr. ISAKSON, Ms. COLLINS, and Mr. VITTER)) proposed an amendment to the bill H.R. 5566, to amend title 18, United States Code, to prohibit interstate commerce in animal crush videos, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ‘‘Animal Crush Video Prohibition Act of 2010’’.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The United States has a long history of prohibiting the interstate sale, marketing, advertising, exchange, and distribution of obscene material and speech that is integral to criminal conduct.

(2) The Federal Government and the States have a compelling interest in preventing intentional acts of extreme animal cruelty.

(3) Each of the several States and the District of Columbia criminalize intentional acts of extreme animal cruelty, such as the intentional crushing, burning, drowning, suffocating, or impaling of animals for no socially redeeming purpose.

(4) There are certain extreme acts of animal cruelty that appeal to a specific sexual fetish. These acts of extreme animal cruelty are videotaped, and the resulting video tapes are commonly referred to as ‘‘animal crush videos’’.

(5) The Supreme Court of the United States has long held that obscenity is an exception to speech protected under the First Amendment to the Constitution of the United States.

(6) In the judgment of Congress, many animal crush videos are obscene in the sense that the depictions, taken as a whole—

(A) appeal to the prurient interest in sex;

(B) are patently offensive; and

(C) lack serious literary, artistic, political, or scientific value.

(7) Serious criminal acts of extreme animal cruelty are creation, sale, distribution, advertising, marketing, and exchange of animal crush videos.

(8) The creation, sale, distribution, advertising, and exchange of animal crush videos is intrinsically related and integral to creating an incentive for, directly causing, and perpetuating demand for the serious acts of extreme animal cruelty the videos depict. The primary reason for those criminal acts is the creation, sale, distribution, advertising, marketing, and exchange of the animal crush videos.

(9) The serious acts of extreme animal cruelty necessary to make animal crush videos are committed in a clandestine manner that—

(A) allows the perpetrators of such crimes to remain anonymous;

(B) makes it extraordinarily difficult to establish the true identities of the underlying criminal acts of extreme animal cruelty occurred; and

(C) often precludes proof that the criminal acts occurred within the statute of limitations.

(10) Each of the difficulties described in paragraph (9) seriously frustrates and impedes the ability of State authorities to enforce the criminal statutes prohibiting such behavior.

SEC. 3. ANIMAL CRUSH VIDEOS.

(a) IN GENERAL.—Section 48 of title 18, United States Code, is amended to read as follows:


‘‘(a) DEFINITION.—In this section the term ‘‘animal crush video’’ means any photograph, motion-picture film, video or digital recording, or electronic image that—

(A) depicts actual conduct in which 1 or more living non-human mammals, birds, reptiles, or amphibians is intentionally crushed, burned, drowned, suffocated, impaled, or otherwise subjected to serious bodily injury as a result of, or in the course of, such conduct.

(b) PROHIBITIONS.—

(1) CREATION OF ANIMAL CRUSH VIDEOS.—It shall be unlawful for any person to knowingly create an animal crush video, or to attempt or conspire to do so, if—

(A) the person intends or has reason to know that the animal crush video will be distributed in, or using a means or facility of, interstate or foreign commerce; or

(B) the animal crush video is distributed in, or using a means or facility of, interstate or foreign commerce.

(2) DISTRIBUTION OF ANIMAL CRUSH VIDEOS.—It shall be unlawful for any person to knowingly sell, market, advertise, exchange, or distribute an animal crush video, or to attempt or conspire to do so, if—

(A) the person engaging in such conduct intends or has reason to know that the animal crush video will be transported into the United States or its territories or possessions; or

(B) the animal crush video is transported into the United States or its territories or possessions.

(c) PENALTY.—Any person who violates subsection (b) shall be fined not more than 7 years, or both.

(d) EXCEPTION.—

(1) IN GENERAL.—This section shall not apply with regard to any visual depiction of—

(A) customary and normal veterinary or agricultural husbandry practices;

(B) the slaughter of animals for food; or

(C) hunting, trapping, or fishing.

(2) GOOD-FAITH DISTRIBUTION.—This section shall not apply to the good-faith distribution of an animal crush video to—

(A) a law enforcement agency; or

(B) a third party for the sole purpose of analysis to determine if referral to a law enforcement agency is appropriate.

(3) NO PREEMPTION.—Nothing in this section shall be construed to preempt the law of any State or local subdivision thereof to protect animals.

(b) CLERICAL AMENDMENT.—The item relating to section 48 in the table of sections for chapter 3 of title 18, United States Code, is amended to read as follows:

‘‘48. Animal crush videos.’’.

(c) SEVERABILITY.—If any provision of section 48 of title 18, United States Code (as amended by this section), or the application of the provision to any person or circumstance, is held to be unconstitutional,
the provision and the application of the pro-
vision to other persons or circumstances shall not be affected thereby.

SA 4669. Mr. DURBIN (for Mr. BINGA-
MAN) proposed an amendment to the bill H.R. 3940, to amend Public Law 96–
597 to clarify the authority of the Sec-
retary of the Interior to extend grants and other assistance to facilitate poli-
tical status public education programs for the peoples of the non-self-gov-
erning territories of the United States; as follows:

Strike all after the enacting clause and in-
sert the following:

SECTION 1. SENSE OF CONGRESS REGARDING POLITICAL STATUS EDUCATION IN GUAM.

It is the sense of Congress that the Sec-
retary of the Interior may provide technical assistance to the Government of Guam under section 601(a) of the Act entitled “An Act to authorize appropriations for certain insular areas of the United States, and for other pur-
poses” approved December 24, 1980 (46 U.S.C. 1469d(a)), for public education regarding political status options only if the political status option is consistent with the Con-
stitution of the United States.

SEC. 2. MINIMUM WAGE IN AMERICAN SAMOA AND THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) DELAYED EFFECTIVE DATE.—Section 8103(b) of the Fair Minimum Wage Act of 2007 (29 U.S.C. 206 note) (as amended by section 520 of division D of Public Law 111–117) is amended—

(1) in paragraph (1)(B), by inserting “(ex-
cept 2011 when there shall be no increase)”,

and after “thereafter” the second place it ap-
ppears; and

(2) in paragraph (2)(C), by striking “except
that, beginning in 2010” and inserting “ex-
cept that there shall be no such increase in
2010 or 2011 and, beginning in 2012”,

(b) GAO REPORT.—Section 8104 of such Act (as amended) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

“(a) REPORT.—The Government Account-
ability Office shall assess the impact of min-
imum wage increases that have occurred pursuant to section 8103, and not later than September 1, 2011, shall transmit to Congress a report of its findings. The Government Ac-
countability Office shall submit subsequent reports not later than April 1, 2013, and every 2 years thereafter until the minimum wage in the respective territory meets the federal minimum wage.”; and

(2) by redesignating subsection (c) as sub-
section (b).

SA 4670. Mr. DURBIN (for Mr. BINGA-
MAN) proposed an amendment to the bill H.R. 3940, to amend Public Law 96–
597 to clarify the authority of the Sec-
retary of the Interior to extend grants and other assistance to facilitate poli-
tical status public education programs for the peoples of the non-self-gov-
erning territories of the United States; as follows:

Amend the title so as to read: “To clarify the availability of funding for polit-
cal status education in the Territory of Guam, and for other purposes.”.

SA 4671. Mr. DURBIN (for Mr. AKARA) proposed an amendment to the bill H.R. 3219, to amend title 38, United States Code, and the Servicemembers Civil Relief Act to make certain im-
provements in the laws administered by the Secretary of Veterans Affairs, and for other purposes; as follows:

Strike all after the enacting clause and in-
sert the following:

SECTION 1. SHORT TITLE. TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Veterans’ Benefits Act of 2010”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Title I—Employment, Small Business, and Education Matters

Sec. 101. Extension and expansion of authority for certain qualifying work-study activities for purposes of the educational assistance programs of the Department of Veterans Affairs.

Sec. 102. Reauthorization of Veterans’ Advis-
sory Committee on Education.

Sec. 103. 18-month period for training of new disabled veterans’ outreach program specialists and local vet-
ers’ employment representatives by National Veterans’ Employment and Training Services Institute.

Sec. 104. Clarification of responsibilities of Secretary of Veterans Affairs to verify small business owner-
ship.

Sec. 105. Demonstration project for referral of USERRA claims against Federal agencies to the Office of Special Counsel.

Sec. 106. Veterans Employment-Related Employ-
ment Program.

Sec. 107. Pat Tillman Veterans’ Scholarship Initiative.

TITLE II—HOUSING AND HOMELESSNESS MATTERS

Sec. 201. Reauthorization of appropriations for Homeless Veterans Re-
integration Program.

Sec. 202. Homeless women veterans and homeless veterans with chil-
dren reintegration grant pro-
gram.

Sec. 203. Specially Adapted Housing assist-
technology grant program.

Sec. 204. Waiver of housing loan fee for cer-
tain veterans with service-con-
nect disabilities called to ac-
tive service.

TITLE III—SERVICEMEMBERS CIVIL RELIEF ACT MATTERS

Sec. 301. Residential and motor vehicle leases.

Sec. 302. Termination of telephone service contracts.

Sec. 303. Enforcement by the Attorney Gen-
eral and by private right of ac-
tion.

TITLE IV—INSURANCE MATTERS

Sec. 401. Increase in amount of supple-
mental insurance for totally disabled veterans.

Sec. 402. Permanent extension of duration of Servicemembers’ Group Life Ins-
urance coverage for totally disabled veterans.

Sec. 403. Adjustment of coverage of depend-
ents under Servicemembers’ Group Life Insurance.

Sec. 404. Opportunity to increase amount of Veterans’ Group Life Insurance.

Sec. 405. Elimination of reduction amount of accelerated death benefit for terminally-ill per-
sions insured under Servicemembers’ Group Life Ins-
urance and Veterans’ Group Life Insurance.


Sec. 407. Enhancement of veterans’ mort-
gage life insurance.

Sec. 408. Expansion of individuals qualifying for retroactive benefits from traumatic injury protection coverage under Servicemembers’ Group Life Ins-
urance.

TITLE V—BURIAL AND CEMETERY MATTERS

Sec. 501. Increase in certain burial and fu-
neral benefits and plot allow-
ances for veterans.

Sec. 502. Interment in national cemeteries of parents of certain deceased veterans.

Sec. 503. Reports on selection of new na-
tional cemeteries.

TITLE VI—COMPENSATION AND PENSI

Sec. 601. Enhancement of disability com-
pensation for certain disabled veterans with disabilities using prostheses and disabled vet-
ers in need of regular aid and attendance payments for traumatic brain injury.

Sec. 602. Cost-of-living increase for tem-
porary dependency and indemn-
ity compensation payable for surviving spouses with depend-
ent children under the age of 18.

Sec. 603. Payment of dependency and indem-
nity compensation to survivors of former prisoners of war who died on or before September 30, 1999.

Sec. 604. Exclusion of certain amounts from consideration as income for purposes of veterans pension benefits.

Sec. 605. Commencement of period of pay-
ment of original awards of com-
pensation for veterans retired or separated from the un-
formed services for cata-
strophic disability.

Sec. 606. Applicability of limitation to pen-
sion payments to certain children of veterans of a period of war.

Sec. 607. Extension of reduced pension for certain veterans with service-con-
nected disabilities called to ac-
tive service.

Sec. 608. Codification of 2009 cost-of-living adjustments in rates of pension for disabled veterans and sur-
viving spouses and children.

TITLE VII—EMPLOYMENT AND REEM-
PLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES

Sec. 701. Clarification that USERRA pro-
hibits wage discrimination against members of the Armed Forces.

Sec. 702. Clarification of the definition of “successor in interest”.

Sec. 703. Technical amendments.

TITLE VIII—BENEFITS MATTERS

Sec. 801. Increase in number of veterans for which programs of independent living services and assistance may be initiated.

Sec. 802. Payment of unpaid balances of De-
partment of Veterans Affairs guaran-
teed loans.

Sec. 803. Eligibility of disabled veterans and members of the Armed Forces with severe burn injuries for automobiles and adaptive equipment.

Sec. 804. Enhancement of automobile assist-
ance allowance for veterans.
Sec. 1002. Statutory Pay-As-You-Go Act Compliance.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision of title 38, United States Code, the amendment or repeal shall be construed to be made to a section or other provision of title 38, United States Code.

TITLE I—EMPLOYMENT, SMALL BUSINESS, AND EDUCATION MATTERS

SEC. 101. ENHANCEMENT AND EXPANSION OF AUTHORITY FOR CERTAIN QUALIFYING WORK-STUDY ACTIVITIES FOR PURPOSES OF THE EDUCATIONAL ASSISTANCE PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) Extension.—Paragraph (4) of section 3482(a) is amended by striking “June 30, 2011” and inserting “June 30, 2013.”

(b) Activities in State Veterans Agencies.—Such paragraph is further amended by adding at the end the following new subparagraphs:

“(G) Any activity of a State veterans agency related to providing assistance to veterans in obtaining any benefit under the laws administered by the Secretary or the laws of the States of the United States.

(H) A position working in a center of Excellence for Veteran Student Success, as established pursuant to part T of title VIII of the Higher Education Act of 1965 (20 U.S.C. 1161t et seq.).

(I) A position working in a cooperative program carried out jointly by the Department of Veterans Affairs and a higher education institution.

(J) Any other veterans-related position in an institution of higher learning.”

(c) EFFECTIVE DATE.—The amendment made by subsection (b) shall take effect on October 1, 2011.

Sec. 102. REAUTHORIZATION OF VETERANS’ ADVI SORY COMMITTEE ON EDUCATION.

Section 3692(c) is amended by striking “December 31, 2009” and inserting “December 31, 2013.”

Sec. 103. 18-MONTH PERIOD FOR TRAINING OF NEW DISABLED VETERANS’ OUT-REACH PROGRAM SPECIALISTS AND LOCAL VETERANS’ EMPLOYMENT REPRESENTATIVES BY NATIONAL VETERANS’ EMPLOYMENT, AND TRAINING SERVICES INSTITUTE.

(a) 18-MONTH PERIOD.—Section 4102A(c)(8)(A) is amended by striking “three-year period” and inserting “18-month period”.

(b) EFFECTIVE DATE.—

(1) APPLICABILITY TO NEW EMPLOYEES.—The amendment made by subsection (a) shall apply with respect to a State employee assigned to perform the duties of a disabled veterans’ outreach program specialist or a local representative pursuant to section 4102A(c)(8)(A) of title 38, United States Code, who is so assigned on or after the date of the enactment of this Act.

(2) APPLICABILITY TO PREVIOUSLY-HIRED EMPLOYEES.—In the case of a State employee who is so assigned on or after January 1, 2006, and before the date of the enactment of this Act, the Secretary shall require the State to acquire the services of such employee so assigned to perform the duties of a disabled veterans’ outreach program specialist or a local representative pursuant to section 4102A(c)(8)(A) of title 38, United States Code, if the State fails to satisfactorily complete the training described in section 4102A(c)(8)(A) of title 38, United States Code, by the date that is 18 months after the date of the enactment of this Act.

Sec. 104. CLARIFICATION OF RESPONSIBILITY OF SECRETARY OF VETERANS AFFAIRS TO VERIFY SMALL BUSINESS OWNERSHIP.

(a) SHORT TITLE.—This section may be cited as the “Veterans Small Business Verification Act”.

(b) CLARIFICATION OF RESPONSIBILITY OF SECRETARY OF VETERANS AFFAIRS TO VERIFY SMALL BUSINESS OWNERSHIP.—

(1) CLARIFICATION.—Section 8127(f) is amended—

(A) in paragraph (2)—

(i) by inserting “(A) before “To be eligible”;

(ii) by inserting “(B) if the Secretary receives an application for inclusion in the database from an individual whose status as a veteran cannot be verified because the Secretary does not maintain information with respect to the veteran status of the individual, the Secretary may not include the small business concern owned and controlled by the individual in the database maintained by the Secretary until the Secretary has verified the status of the individual as a veteran.”;

and

(B) by striking paragraph (4) and inserting the following new paragraph:

“(D) If the Secretary receives an application for inclusion in the database from an individual whose status as a veteran cannot be verified because the Secretary does not maintain information with respect to the veteran status of the individual, the Secretary may not include the small business concern owned and controlled by the individual in the database maintained by the Secretary until the Secretary has verified such information as may be necessary to verify the individual as a veteran.”;

and

(c) EFFECTIVE DATE.—The amendment made by subsection (b) shall take effect on October 1, 2011.

Sec. 105. DEMONSTRATION PROJECT FOR REFERRAL OF USERRA CLAIMS AGAINST FEDERAL AGENCIES TO THE OFFICE OF SPECIAL COUNSEL.

(a) ESTABLISHMENT OF PROJECT.—The Secretary shall carry out a 36-month demonstration project under which certain claims against Federal executive agencies are referred to the Office of Special Counsel to the Office of Special Counsel.

(b) APPLICABILITY OF PROVISION.—For purposes of paragraphs (1), (2), and (3) of section 526 of title 38, United States Code, as amended by this section, a claim is a claim under chapter 43 of title 38, United States Code, if the claim is that the person is a veteran or the status of the person is the same as that of a veteran.

(c) EFFICACY OF REFERRED CLAIMS.—The Office of Special Counsel shall carry out a 36-month demonstration project to verify the accuracy of the claims referred under subsection (a).
AGENCY PERFORMANCE.—

(1) The Office of Special Counsel shall administer the demonstration project. The Secretary shall cooperate with the Office of Special Counsel in carrying out the demonstration project.

(2) TREATMENT OF CERTAIN TERMS IN CHAPTER 41 OF TITLE 38, UNITED STATES CODE.—In the case of any claim referred to, or otherwise received by, the Office of Special Counsel under the demonstration project, any reference to the “Secretary” in sections 4321, 4322, and 4326 of title 38, United States Code, is deemed to be a reference to the “Office of Special Counsel”.

(3) ADMINISTRATIVE JURISDICTION.—In the case of any claim referred to, or otherwise received by, the Office of Special Counsel under the demonstration project, the Office of Special Counsel shall retain administrative jurisdiction over the claim.

(e) DATA COMPARABILITY FOR REVIEWING AGENCY PERFORMANCE.—

(1) IN GENERAL.—To facilitate the review of the relative performance of the Office of Special Counsel and the Department of Labor during the demonstration project, the Office of Special Counsel and the Department of Labor shall jointly establish methods and procedures to be used by both the Office and the Department during the demonstration project. Such methods and procedures shall include each of the following:

(A) Definitions of performance measures, including—

(i) customer satisfaction;

(ii) cost (such as, but not limited to, average cost per claim);

(iii) timeliness (such as, but not limited to, average processing time, case age);

(iv) quality processes, but not limited to, staffing levels, education, grade level, training received, caseload); and

(v) case outcomes.

(B) Definitions of case outcomes.

(C) Data collection methods and timing of collection.

(D) Data quality assurance processes.

(2) JOINT REPORT TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Special Counsel and the Secretary of Labor shall jointly submit to the Committees on Veterans’ Affairs of the Senate and House of Representatives a report describing the methods and procedures to be used by the Office of Special Counsel and the Comptroller General of the United States in order for the Comptroller General to assess the reliability of the demonstration data maintained by both the Office of Special Counsel and the Department of Labor and to review the relative performance of the Office and Department under the demonstration project.

(f) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—The Comptroller General shall review the relative performance of the Office of Special Counsel and the Department of Labor under the demonstration project and—

(1) not later than one year after the commencement of the demonstration project, submit to the Committees on Veterans’ Affairs of the Senate and House of Representatives a report on the demonstration project; and

(2) not later than 90 days after the conclusion of the demonstration project, submit to such committees a final report that includes the findings and conclusions of the Comptroller General regarding the relative performance of the Office and the Department under the demonstration project and such recommendations as the Comptroller General determines are appropriate.

SEC. 106. VETERANS ENERGY-RELATED EMPLOYMENT PROGRAM.

(a) ESTABLISHMENT OF PILOT PROGRAM.—To encourage the employment of eligible veterans in the energy industry, the Secretary of Labor, in cooperation with the Comptroller General, shall carry out a pilot program to be known as the “Veterans Energy-Related Employment Program”. Under the pilot program, the Secretary shall award competitive grants to not more than three States for the establishment and administration of a program that makes grants to energy employers that provide covered training, on-job training, apprenticeships, and certification classes to eligible veterans. Such a program shall be known as a “State Energy-Related Employment Program”.

(b) ELIGIBILITY FOR GRANTS.—To be eligible to receive a grant under the pilot program, a State shall submit to the Secretary an application that includes each of the following:

(1) A proposal for the expenditure of grant funds to establish and administer a public-private partnership program designed to provide covered training, on-job training, apprenticeships, and certification classes to a significant number of eligible veterans and ensure lasting and sustainable employment in well-paying jobs in the energy industry.

(2) Evidence that the State has—

(A) a population of eligible veterans of an appropriate size to carry out the State program;

(B) a robust and diverse energy industry; and

(C) the ability to carry out the State program described in the proposal under paragraph (1).

(3) Such other information and assurances as the Secretary may require.

(c) USE OF FUNDS.—A State that is the recipient of a grant under this section shall use the grant for the following purposes:

(1) Making grants to energy employers to reimburse such employers for the cost of providing covered training, on-job training, apprenticeships, and certification classes to eligible veterans who are first hired by the employer on or after November 1, 2010.

(2) Conducting outreach to inform employers and eligible veterans in rural areas, of their eligibility or potential eligibility for participation in the State program.

(d) CONSTRUCTION.—Under the pilot program, each grant to a State shall be subject to the following conditions:

(1) The State shall repay to the Secretary, on such date as shall be determined by the Secretary, any amount received under the pilot program that is not used for the purposes described in subsection (a).

(2) The State shall submit to the Secretary, at such times and containing such information as the Secretary shall require, reports on the use of each grant made by the State under the pilot program.

(e) EMPLOYER REQUIREMENTS.—In order to receive a grant made by a State under the pilot program, an energy employer shall—

(A) agree to submit to the State and the Secretary, any amount received under the State Energy-Related Employment Program an application that includes—

(i) a description of pay, benefits, and after training employment for each eligible veteran proposed to be trained using grant funds;

(ii) the average rate of pay for an individual employed by the energy employer in a similar position who is not an eligible veteran; and

(C) agree to submit to the administrator, for each quarter, a report containing such information as the Secretary may specify.

(f) ADMINISTRATIVE AND REPORTING COSTS.—Of the amounts appropriated pursuant to the authorization of appropriations under subsection (i), two percent shall be made available to the Secretary for administrative costs associated with implementing and evaluating the pilot program under this section and for preparing and submitting the reports required under subsection (d). The Secretary shall determine the appropriate maximum amount of each grant awarded under this section that may be used by the grantee for administrative and reporting costs.

(g) REPORT TO CONGRESS.—Together with the report required to be submitted annually under section 4107(c) of title 38, United States Code, the Secretary shall submit to Congress a report on the pilot program for the year covered by such report. The report on the pilot program shall include a detailed description of activities carried out under this section and an evaluation of the program.

(h) ADMINISTRATIVE AND REPORTING COSTS.—Of the amounts appropriated pursuant to the authorization of appropriations under subsection (i), two percent shall be made available to the Secretary for administrative costs associated with implementing and evaluating the pilot program under this section and for preparing and submitting the reports required under subsection (d). The Secretary shall determine the appropriate maximum amount of each grant awarded under this section that may be used by the grantee for administrative and reporting costs.
(B) The renewable electric power industry, including the wind and solar energy industries.
(C) The biofuels industry.
(D) The energy efficiency assessment industry that serves the residential, commercial, or industrial sectors.
(E) The oil and natural gas industry.
(F) The nuclear industry.

SEC. 107. PAT TILLMAN VETERANS’ SCHOLARSHIP INITIATIVE.

(a) Availability of Scholarship Information.—By not later than June 1, 2011, the Secretary of Veterans Affairs shall include on the Internet website of the Department of Veterans Affairs a list of organizations that provide scholarships to veterans and their survivors and, for each such organization, a link to the Internet website of the organization.

(b) Maintenance of Scholarship Information.—The Secretary of Veterans Affairs shall make reasonable efforts to notify schools and colleges of any changes to the list of organizations that provide scholarships to veterans and their survivors and to update the list of organizations to include any new organizations that appear to be eligible to provide scholarships to veterans and their survivors.

(c) Requirement to Monitor Expended Funds.—The Secretary shallmonitor the distribution and expenditure of funds appropriated under this section to ensure that the funds are used in accordance with the terms of the lease, including reasonable charges to the lessee for excess wear, that are due and unpaid at the time of termination of the lease shall be paid by the lessee.

(d) Use of Funds.—Not later than March 1 of each fiscal year following a fiscal year in which the Secretary makes a grant, the Secretary shall submit to Congress a report containing information related to each grant awarded under this section during the preceding fiscal year, including:
(1) the name of the grant recipient;
(2) the amount of the grant, and
(3) the goal of the grant.

(2) Reporting.—From amounts appropriated to the Department for readjustment benefits for each fiscal year for which the Secretary determines that the service is to be terminated.
contract, the individual who entered into the contract may terminate the contract—

‘‘(1) with respect to the servicemember if the servicemember is eligible to terminate contracts pursuant to subsection (a); or

‘‘(2) with respect to all of the designated beneficiaries of such contract if all such beneficiaries accompany the servicemember during the servicemember’s period of relocation.

‘‘(e) OTHER OBLIGATIONS AND LIABILITIES.—For any contract terminated under this section, the service provider under the contract may not impose an early termination charge, but any tax or any other obligation or liability of the servicemember that, in accordance with the terms of the contract, is due and unpaid or unperformed at the time of termination of the contract shall be paid or performed by the servicemember. If the servicemember re-subscribes to the service provided under a covered contract during the 90-day period beginning on the last day of the servicemember’s period of relocation, the service provider may not impose a charge for reinstating service, other than the usual and customary charges for the installation or acquisition of customer equipment imposed on any other subscriber.

‘‘(f) RETURN OF ADVANCE PAYMENTS.—Not later than 60 days after the effective date of the termination of a contract under this section, the service provider under the contract shall refund to the servicemember any fee or other amount to the extent paid for a period extending until such date, except for the remainder of the monthly or similar billing period in which the termination occurs.

‘‘(g) DEFINITIONS.—For purposes of this section:

‘‘(1) The term ‘cellular telephone service’ means commercial mobile service, as that term is defined in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d)).

‘‘(2) The term ‘telephone exchange service’ has the meaning given that term under section 3 of the Communications Act of 1934 (47 U.S.C. 153).

(b) TECHNICAL AMENDMENT.—The heading for title III of such Act is amended by inserting ‘‘TELEPHONE SERVICE CONTRACTS’’ after ‘‘LEASES’’.

(c) CLERICAL AMENDMENTS.—The table of contents in section 1(b) of such Act is amended by striking ‘‘, TELEPHONE SERVICE CONTRACTS’’.

(2) by striking the item relating to section 305A and inserting the following new item:

‘‘Sec. 305A. Termination of telephone service contracts.’’.

SEC. 1003. ENFORCEMENT BY THE ATTORNEY GENERAL AND BY PRIVATE RIGHT OF ACTION.

(a) In GENERAL.—The Servicemembers Civil Relief Act (50 U.S.C. App. 651 et seq.) is amended by adding at the end of that title, the following new title:

‘‘TITLE VIII—CIVIL LIABILITY

‘‘SEC. 801. ENFORCEMENT BY THE ATTORNEY GENERAL.

‘‘(a) CIVIL ACTIONS.—The Attorney General may commence a civil action in any appropriate district court of the United States against any person who—

‘‘(1) engages in a pattern or practice of violating this Act; or

‘‘(2) engages in a violation of this Act that raises an issue of significant public importance.

‘‘(b) RELIEF.—In a civil action commenced under subsection (a), the court may—

‘‘(1) grant any appropriate equitable or declaratory relief with respect to the violation of this Act;

‘‘(2) award all other appropriate relief, including monetary damages, to any person aggrieved by the violation; and

‘‘(3) may, to vindicate the public interest, assess a civil penalty—

‘‘(A) in an amount not exceeding $5,000 for a first violation; and

‘‘(B) in an amount not exceeding $110,000 for any subsequent violation.

‘‘(c) INTERVENTION.—Of any civil action brought under subsection (a) the costs of the action, along with costs and a reasonable attorney fee.

‘‘SEC. 802. PRIVATE RIGHT OF ACTION.

‘‘(a) IN GENERAL.—Any person aggrieved by a violation of this Act may in a civil action—

‘‘(1) obtain any appropriate equitable or declaratory relief with respect to the violation; and

‘‘(2) recover all other appropriate relief, including monetary damages.

‘‘(b) COSTS AND ATTORNEY FEES.—The court may award to a person aggrieved by a violation of this Act in an action brought under subsection (a) the costs of the action, along with a reasonable attorney fee.

‘‘SEC. 803. PRESERVATION OF REMEDIES.

‘‘Nothing in section 801 or 802 shall be construed to preclude or limit any remedy otherwise available under other law, including consequential and punitive damages.

(b) CONFORMING AMENDMENTS.—Such Act is further amended—

(1) Section 207 (50 U.S.C. App. 527) is amended by striking subsection (f).

(2) Section 301(c) (50 U.S.C. App. 531(c)) is amended to read as follows:

‘‘(c) MISDEMEANOR.—Except as provided in subsection (a), a person knowingly takings part in an evasion or distress described in subsection (a), or who knowingly attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.

(3) Section 302(b) (50 U.S.C. App. 532(b)) is amended to read as follows:

‘‘(b) MISDEMEANOR.—A person who knowingly removes property in violation of section 107 of this Act, or who knowingly attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.

(4) Section 303(d) (50 U.S.C. App. 533(d)) is amended to read as follows:

‘‘(d) MISDEMEANOR.—A person who knowingly makes or causes to be made a sale, foreclosure, or seizure of property that is prohibited by subsection (c), or who knowingly attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.

(5) Section 305(b) (50 U.S.C. App. 535(b)) is amended to read as follows:

‘‘(b) MISDEMEANOR.—Any person who knowingly seizes, holds, or detains the personal effects, security deposit, or other property of a servicemember or a servicemember’s dependent who lawfully terminates a lease covered by this section, or who knowingly interferes with the removal of such property from premises covered by such lease, for the purpose of subjecting or attempting to subject any of such property to a claim or demand subsequent to the date of termination of such lease, or attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.

(6) Section 306(e) (50 U.S.C. App. 536(e)) is amended to read as follows:

‘‘(e) MISDEMEANOR.—A person who knowingly takes an action contrary to this section, or attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.

(7) Section 307(c) (50 U.S.C. App. 537(c)) is amended to read as follows:

‘‘(c) MISDEMEANOR.—A person who knowingly takes an action contrary to this section, or attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.

(c) Clerical Amendment.—The table of contents in section 1(b) of such Act is amended by adding at the end the following new item:

‘‘TITLE VIII—CIVIL LIABILITY

‘‘Sec. 801. Enforcement by the Attorney General.

‘‘Sec. 802. Private right of action.

‘‘Sec. 803. Preservation of remedies.’’.

TITLe IV—INsurance Matters

SEC. 401. INCREASE IN AMOUNT OF SUPPLEMENTAL MENTAL INSURANCE FOR TOTALLY DISABLED VETERANS

(a) IN GENERAL.—Section 1922(a)(1) is amended by striking ‘‘$20,000’’ and inserting ‘‘$30,000’’.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2011.

SEC. 402. PERMANENT EXTENSION OF DURATION OF SERVICEMEMBERS’ GROUP LIFE INSURANCE AND HEALTH INSURANCE FOR TOTALLY DISABLED VETERANS.

(a) Extension.—Section 1968(a) is amended—

(1) in paragraph (1)(A), by striking clause (ii) and inserting the following new clause (ii):

‘‘(ii) The date that is two years after the date of separation or release from such active duty or active duty for training.’’; and

(2) in paragraph (4), by striking subparagraph (B) and inserting the following new subparagraph (B):

‘‘(B) The date that is two years after the date of separation or release from such amendments.’’.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to a person who is separated or released on or after January 1, 2013.

SEC. 403. ADJUSTMENT OF COVERAGE OF DEPENDENTS UNDER SERVICEMEMBERS’ GROUP LIFE INSURANCE.

(a) Opportunity to Increase Amount of Veterans’ Group Life Insurance

Clause (ii) of section 1966(a)(5)(B) is amended to read as follows:

‘‘(ii)(I) in the case of a member of the Ready Reserve of a uniformed service who meets the qualifications set forth in subparagraph (B) or (C) of section 1965(5) of this title, 120 days after separation or release from such assignment; or

‘‘(II) in the case of any other member of the uniformed services, 120 days after the date of the member’s separation or release from the uniformed services; or

(b) Opportunity to Increase Amount of Veterans’ Group Life Insurance
under Veterans’ Group Life Insurance, such person may elect in writing to increase by $25,000 the amount for which the person is insured if—

(A) the person is under the age of 60; and

(B) the total amount for which the person is insured does not exceed the amount provided for under section 1967(a)(3)(A)(i) of this title.

(b) Effective Date.—Paragraph (3) of section 1977(a) of title 38, United States Code, as added by subsection (a), shall take effect on the date that is 180 days after the date of the enactment of this Act.

SEC. 405. ELIMINATION OF REDUCTION IN AMOUNT OF ACCELERATED DEATH BENEFIT DUE TO TERMINALLY ILL PERSONS INSURED UNDER SERVICEMEMBERS’ GROUP LIFE INSURANCE AND VETERANS’ GROUP LIFE INSURANCE.

(a) Elimination of Reduction.—Section 3801(b) of the Veterans’ Housing Opportunity Act of 2008 (Public Law 110–233; 120 Stat. 143; 38 U.S.C. 190A note) is amended by striking “, and, if, as determined by the Secretary concerned, that loss was a direct result of a traumatic injury incurred in an inpatient hospital setting, in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom”.

(b) Conforming Amendment.—The heading of such section is amended by striking “in Operation Enduring Freedom and Operation Iraqi Freedom”.

(c) Effective Date.—The amendments made by this section shall take effect on October 1, 2011.

TITLE V—BURIAL AND CEMETERY MATTERS

SEC. 501. INCREASES IN GRAVEYARD AND BURIAL AND FUNERAL BENEFITS AND PLOT ALLOWANCES FOR VETERANS.

(a) INCREASE IN GRAVEYARD AND BURIAL AND FUNERAL EXPENSES FOR DEATHS IN DEPARTMENT FACILITIES.—Paragraph (1)(A) of subsection (a) of section 2003 is amended by striking “$300” and inserting “$700 (as increased from time to time under subsection (c))”.

(b) INCREASE IN AMOUNT OF PLOT ALLOWANCES.—Subsection (b) of such section is amended by adding at the end the following new paragraph: “(1) With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the maximum amount of burial and funeral expenses payable under subsection (a) and in the internment allowance payable under subsection (b), equal to the percentage by which—

(A) the Consumer Price Index (all items, United States City Average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

(B) the Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1).”.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to deaths occurring on or after October 1, 2011.

(2) PROVISION FOR COST-OF-LIVING ADJUSTMENT FOR FISCAL YEAR 2012.—No adjustments shall be made under section 2003(c) of title 38, United States Code, as added by subsection (c), for the fiscal year beginning October 1, 2011.

SEC. 502. INTERMENT IN NATIONAL CEMETHERIES OF PARENTS OF CERTAIN DECEASED VETERANS.

(a) SHORT TITLE.—This section may be cited as the “Corey Shea Act”.

(b) INTERMENT OF PARENTS OF CERTAIN DECEASED VETERANS.—Section 2402 is amended—

(1) in the matter preceding paragraph (1), by striking “Under such regulations” and inserting “(a) Under the regulations”; and

(2) by moving the margins of paragraphs (1) through (8) two ems to the right;

(3) by inserting after paragraph (8) the following new paragraph: “(9)(A) The parent of a person described in subparagraph (B), if the Secretary determines that there is available space at the gravesite with which the person described in subparagraph (B) is interred.

(9)(B) A person described in this subparagraph is a person described in paragraph (1) who—

(i) is a hostile casualty or died from a training-related injury;

(ii) is interred in a national cemetery; and

(iii) at the time of the person’s parent’s death, did not have a spouse, surviving spouse, or child who was buried or who, upon death, may be eligible for burial in a national cemetery pursuant to paragraph (5); and

(iv) by adding at the end the following new subsection:

“(b) For purposes of subsection (a)(9) of this section.

The term ‘parent’ means a biological father or a biological mother or, in the case of adoption, a father through adoption or a mother through adoption.

(5) The term ‘hostile casualty’ means a person who, as a member of the Armed Forces, dies as the direct result of hostile action with the enemy, while in combat, while returning from a tour of combat duty, or while involuntarily or accidentally by friendly fire directed at a hostile force or what is thought to be a hostile force, but does not include a person who dies due to the elements, a self-inflicted wound, combat fatigue, or a friendly fire while the person was in an absent-without-leave status, or was deserted or absent without leave or was voluntarily absent from a place of duty.

(6) The term ‘training-related injury’ means an injury incurred during training activities in preparation for a combat mission.”

(c) GUIDANCE REQUIRED.—The Secretary of Veterans Affairs, in consultation with the Secretary of Defense, shall develop guidance under which the parent of a person described in paragraph (9)(B) of subsection (a) of section 2402 of title 38, United States Code, as added by subsection (b), may be designated for interment in a national cemetery under this subsection.

(d) CONFORMING AMENDMENTS.—

(1) CROSS-REFERENCE CORRECTION.—Section 197 is amended by striking “section 2402(b)” and inserting “section 2402(a)(8)”.

(2) CROSS-REFERENCE CORRECTION.—Section 2301(e) is amended by striking “section 2402(b)” and inserting “section 2402(a)(8)”.

(3) CROSS-REFERENCE CORRECTION.—Section 2406(a) is amended—

(A) in paragraph (2), by striking “section 2402(a)(4)” and inserting “section 2402(a)(4)”; and

(B) in paragraph (4), by striking “section 2402(b)” and inserting “section 2402(a)(5)”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the death, on or after the date of the enactment of this Act, of the parent of a person described in paragraph (9)(B) of subsection (a) of section 2402 of title 38, United States Code, as added by subsection (b), who dies on or after October 7, 2011.

SEC. 503. REPORTS ON SELECTION OF NEW NATIONAL CEMETERIES.

(a) INITIAL REPORT.—

(1) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the selection of the sites described in paragraph (2) for the purpose of establishing new national cemeteries.

(2) SITES.—The sites described in this paragraph are the following:

(A) A site in southern Colorado.

(B) An area near Melbourne, Florida, and Daytona, Florida.

(C) An area near Omaha, Nebraska.

(D) An area near Buffalo, New York, and Rochester, New York.

(E) An area near Tallahassee, Florida.
SITE SELECTION.—In carrying out this section, the Secretary shall solicit advice and views of representatives of State and local veterans organizations and other individuals as the Secretary considers appropriate.

MATTERS INCLUDED.—The report under paragraph (1) shall include the following:

(A) In the establishment of each cemetery at each site described in paragraph (2) and an estimate of the costs associated with the establishment of each such cemetery.

(B) As of the date of the submittal of the report, the amount of funds that are available to establish each cemetery at each site described in paragraph (2) from amounts appropriated to the Department of Veterans Affairs for Advance Planning.

ANNUAL REPORTS.—Not later than two years after the date of the enactment of this Act, and each year thereafter until the date on which each cemetery at each site described in subsection (a)(2) is established, the Secretary shall submit to Congress an annual report that includes updates to the information provided in the report under subsection (a).

TITLe VI—COMPENSATION AND PENSION

SEC. 601. ENHANCEMENT OF DISABILITY COMPENSATION FOR CERTAIN VETERANS WITH DISABILITIES USING PROSTHESES AND DISABLED VETERANS WHO NEED OF REGULAR AID AND ATTENDANCE FOR RESIDUALS OF TRAUMATIC BRAIN INJURY.

(a) VETERANS SUFFERING ANATOMICAL LOSS OF ARMS, LEGS, HANDS, OR FEET.—Section 1114 is amended—

(1) in subsection (m)—

(A) by striking “at a level, or with complications,” and inserting “with factors”; and

(B) by striking “at levels, or with complications,” and inserting “with factors”;

(2) in section 602(a), by striking “with factors that”; and

(3) by inserting “so near the shoulder and hip as to” and inserting “with factors that”; and

(b) VETERANS WITH SERVICE-CONNECTED DISABILITIES IN NEED OF REGULAR AID AND ATTENDANCE FOR RESIDUALS OF TRAUMATIC BRAIN INJURY—

(1) IN GENERAL.—Such section is further amended—

(A) in subsection (p), by striking the semicolon at the end and inserting a period; and

(B) by adding at the end the following new subsection:

“(t) Subject to section 5050(c) of this title, if any veteran with a service-connected disability, is in need of regular aid and attendance for the residuals of traumatic brain injury, is not eligible for compensation under subsection (r)(2), and in the absence of such regular aid and attendance would require hospitalization, nursing home care, or other resident institutional care, the veteran shall be paid, in addition to any other compensation under this section, a monthly aid and attendance allowance equal to the rate described in subsection (r)(2), for purposes of section 1114 of this title shall be considered as additional compensation payable for disability. An allowance under this subsection shall be paid in lieu of any other allowance authorized by subsection (r)(1).”

(2) CONFORMING AMENDMENT.—Section 5050c(b) is amended by striking “in section 1114(r)” and inserting “in subsection (r) or (t) of section 1114”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2011.


Section 1311(f) is amended—

(1) in paragraph (1), by inserting “(as increased from time to time under paragraph (4))” after “$250”; and

(2) by redesigning paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph:

“(4) Whenever there is an increase in benefit amounts, increase the amount payable under paragraph (1), as such amount was in effect immediately prior to the date of such increase in benefit amounts, by the same percentage as the percentage by which such benefit amounts are increased. Any increase in a dollar amount under this paragraph shall be rounded to the next lower whole dollar amount.”

SEC. 603. PAYMENT OF DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVING SPOUSES AND CHILDREN OF VETERANS WHO DIED ON OR BEFORE SEPTEMBER 30, 1999.

(a) IN GENERAL.—Section 1312(b)(3) is amended by striking “who died after September 30, 1999.”

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 2011.

SEC. 604. EXCLUSION OF CERTAIN AMOUNTS FROM CONSIDERATION AS INCOME FOR PURPOSES OF VETERANS PENSION BENEFITS.

(a) EXCLUSION.—Section 1503(a) is amended—

(1) by striking “and” at the end of paragraph (10); and

(2) by redesigning paragraph (11) as paragraph (12); and

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2011.

SEC. 605. COMMENCEMENT OF PERIOD OF PAYMENT OF ORIGINAL AWARDS OF COMPENSATION FOR VETERANS RE- TIRED OR SEPARATED FROM THE UNIFORMED SERVICES FOR CATASTROPHIC DISABILITY.

(a) COMMENCEMENT OF PERIOD OF PAYMENT.—Subsection (a) of section 5111 is amended—

(1) by inserting “(1)” after “(a)”; and

(2) in paragraph (1), as so designated by paragraph (a) of this section, by striking “in paragraph (a)” and inserting “in subsection (c) of this section”;

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to determinations of income for calendar years beginning after October 1, 2011.

SEC. 606. APPLICABILITY OF LIMITATION TO PENSION PAYABLE TO CERTAIN VETERANS OF A PERIOD OF WAR.

Section 5303(d)(5) is amended—

(1) by inserting “(A) after “(5)””; and

(2) by adding at the end the following new subparagraph:

“(B) The provisions of this subsection shall apply with respect to a child entitled to pension under section 1542 of this title in the same manner as they apply to a veteran having neither spouse nor child.”

SEC. 607. EXTENSION OF REDUCED PENSION FOR CERTAIN VETERANS COVERED BY MEDICARE PLANS FOR SERVICES FURNISHED BY NURSING FACILITIES.

Section 5503(d)(7) is amended by striking “September 30, 2011” and inserting “May 1, 2015”.

SEC. 608. CODIFICATION OF 2009 COST-OF-LIVING ADJUSTMENT IN RATES OF PENSION FOR DISABLED VETERANS AND SURVIVING SPOUSES AND CHILDREN.

(a) DISABLED VETERANS.—Section 512 of title 38, United States Code, is amended—

(1) in subsection (b), by striking “$3,550” and inserting “$11,830”; and

(2) in subsection (c)–

(A) by striking “$4,651” and inserting “$15,493”; and

(B) by striking “$600” and inserting “$2,020”;

(3) in subsection (d)–

(A) in paragraph (1), by striking “$5,680” and inserting “$19,736”; and

(B) in paragraph (2)–

(i) by striking “$6,781” and inserting “$23,396”; and

(ii) by striking “$4,340” and inserting “$14,457”; and

(iii) by striking “$5,441” and inserting “$2,020”;

(4) in subsection (e)–

(A) by striking “$4,340” and inserting “$14,457”; and

(B) by striking “$5,441” and inserting “$2,020”; and

(5) in subsection (f)–

(A) in paragraph (1), by striking “$4,651” and inserting “$15,493”; and

(B) in paragraph (2)–

(i) by striking “$6,781” and inserting “$23,396”; and

(ii) by striking “$30,480” and inserting “$7,571”;

(C) in paragraph (3)–

(i) by striking “$19,736” and inserting “$30,480”; and

(ii) by striking “$2,020” and inserting “$7,571”;

(D) in paragraph (4), by striking “$2,020” and inserting “$25,017”;

(E) in paragraph (5), by striking “$600” and inserting “$2,020”; and

(F) in paragraph (6), by striking “$800” and inserting “$2,020”.

(b) SURVIVING SPOUSES.—Section 1541 of title 38, United States Code, is amended—

(1) in subsection (b), by striking “$2,379” and inserting “$7,933”;
is amended by inserting before the period the following: “declining to initiate an action and represent the person before the Merit Systems Protection Board’’.

(2) in subsection (c)—

(A) by striking “$3,116” and inserting “$10,385’’; and

(B) by striking “$600” and inserting “$2,020’’;

(3) in subsection (d)—

(A) in paragraph (1), by striking “$3,806” and inserting “$12,144’’; and

(B) by inserting “$1,453’’ and inserting “$15,128’’; and

(ii) by striking “$600” and inserting “$2,020’’;

(4) in subsection (e)—

(A) by striking “$2,908” and inserting “$9,645’’; and

(B) by striking “$3,645” and inserting “$12,144’’; and

(C) by striking “$600” and inserting “$2,020’’.

(c) SURVIVING CHILDREN.—Section 1542 of such title is amended by striking “$600” and inserting “$2,020’’ both places it appears.

(d) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall apply with respect to pensions paid on or after December 1, 2009.

TITLE VII—PAYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES

SEC. 701. CLARIFICATION THAT USERRA PROVIDES DISCRIMINATION AGAINST MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Section 4303(2) is amended—

(1) by striking “other than” and inserting “including”;

(b) APPLICATION.—The amendment made by subsection (a) shall apply to—

(1) any failure to comply with a provision of or any violation of chapter 43 of title 38, United States Code, that occurs before, on, or after the date of the enactment of this Act; and

(2) all actions or complaints filed under such chapter 43 that are pending on or after the date of the enactment of this Act.

(c) ENSURING THAT SUCCESSOR IN INTEREST MEANS.—Section 4323(d) of title 38, United States Code—

(A) by striking “other than” and inserting “Any veteran’’; and

(B) in paragraph (2)—

(i) by striking “any veteran” and inserting “Any member’’.

SEC. 702. CLARIFICATION OF THE DEFINITION OF “SUCCESSOR IN INTEREST’’.

(a) IN GENERAL.—Section 4301 is amended by adding at the end the following new subparagraph:

“(D)(i) Whether the term ‘successor in interest’ applies with respect to an entity described in paragraph (A) for purposes of clause (iv) of such subparagraph shall be determined on a case-by-case basis using a multi-factor test that considers the following factors:

(1) Substantial continuity of business operations.

(2) Use of the same or similar facilities.

(3) Continuity of work force.

(4) Similarity of jobs and working conditions.

(5) Similarity of supervisory personnel.

(6) Similarity of machinery, equipment, and production methods.

(7) Similarity of products or services.

(ii) In the case of a failure to comply with a provision of or any violation of chapter 43 of title 38, United States Code, that occurs before, on, or after the date of the enactment of this Act, such entity described in paragraph (A) is deemed to be a successor in interest, as of the date of the filing of the petition of the obligation due, plus accrued interest, as of the date of the filing of the petition, under subsection (a), the authority provided under section 1322(b) of title 11, the Secretary may pay the holder of the obligation the unpaid principal balance of the obligation due, plus accrued interest, as of the date of the filing of the petition under title 11, upon the assignment, transfer, and delivery to the Secretary (in a form and manner satisfactory to the Secretary) of all rights, interest, claims, evidence, and records with respect to the housing loan.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2011.

SEC. 801. INCREASE IN NUMBER OF VETERANS FOR WHICH PROGRAMS OF INDEPENDENT LIVING SERVICES AND ASSISTANCE MAY BE INITIATED.

(a) IN GENERAL.—Section 4323(d) of title 38, United States Code, is amended—

(1) by striking “$600’’ and inserting “$2,020’’;

(ii) in each of clauses (i) and (ii), by striking the semicolon at the end and inserting a period; and

(iii) in clause (iii), by striking “; or” and inserting a period; and

(C) by striking “$2,020’’.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2011.

SEC. 802. PAYMENT OF UNPAID BALANCES OF DEPARTMENT OF DEFENSE GUARANTEED LOANS.

(a) IN GENERAL.—Section 4323(d) of title 38, United States Code—

(A) by striking “$2,908’’ and inserting “$9,645’’;

(B) by striking “$3,645’’ and inserting “$12,144’’; and

(C) by striking “$600’’ and inserting “$2,020’’.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2011.

SEC. 803. ELIGIBILITY OF DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES WITH SEVERE BURN INJURIES FOR AUTOMOBILE AND ADAPTIVE EQUIPMENT.

(a) ELIGIBILITY.—Paragraph (1) of section 4301 is amended—

(1) by striking “before suit” and inserting “(A) Before suit’’; and

(2) by adding at the end the following new subparagraph:

“(B) In the event that a housing loan guaranteed under this chapter is modified under the authority provided under section 1322(b) of title 11, the Secretary may pay the holder of the obligation the unpaid principal balance of the obligation due, plus accrued interest, as of the date of the filing of the petition under title 11, upon the assignment, transfer, and delivery to the Secretary (in a form and manner satisfactory to the Secretary) of all rights, interest, claims, evidence, and records with respect to the housing loan.’’

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2011.

(c) ENSURING THAT SUCCESSOR IN INTEREST MEANS.—Section 4323(d) of title 38, United States Code is further amended—

(1) in the matter preceding paragraph (1), by striking “the following disabilities’’ and inserting “the following disabilities’’;

(2) in paragraph (1)—

(A) in the matter preceding paragraph (A), by striking “subclause (i), (ii), (iii), or (iv) of subparagraph (A)” and inserting “subclause (i), (ii), (iii), or (iv) of paragraph (A)”;

(B) by striking “the following disabilities’’ and inserting “the following disabilities’’.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2011.

SEC. 805. NATIONAL ACADEMIES REVIEW OF BEST TREATMENTS FOR CHRONIC MULTISYMPOTM ILLNESS IN PERSIAN GULF WAR VETERANS.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall seek to enter into an agreement with the Institute of Medicine of the National Academies to carry out a comprehensive review of the best treatments for chronic multisymptom illness in Persian Gulf War veterans and an evaluation of how such treatment approaches could best be disseminated throughout the Department of Veterans Affairs to improve the care and benefits provided to veterans.

(b) GROUP OF MEDICAL PROFESSIONALS.—Under any agreement entered into under subsection (a), the Institute of Medicine shall convene a group of medical professionals who are experienced in treating individuals who served as members of the Armed Forces in the Southwest Asia Theater of Operations of the Persian Gulf War during 1990 or 1991 and who have been diagnosed with chronic multisymptom illness or another health condition related to chemical and environmental exposure that may have occurred during such service.

(c) REPORT.—Any agreement entered into under subsection (a) shall require the Institute of Medicine to submit to the Secretary and the Commission a report on the review and evaluation described in subsection (b) by not later than December 31, 2012. The report shall include such recommendations for legislative or administrative action as the Institute considers appropriate in light of the results of the review.

(d) FUNDING.—Pursuant to any agreement entered into under subsection (a), the Secretary shall provide the Institute of Medicine with such funds as may be necessary to ensure the timely completion of the review described in subsection (b).

(e) DEFINITIONS.—For purposes of this section:

(1) the term “chronic multisymptom illness in Persian Gulf War veterans” means a
chronic multisymptom illness defined by a cluster of signs or symptoms relating to service in the Persian Gulf War, typically including widespread pain, persistent memory and concentration problems, chronic headaches, gastrointestinal problems, and other abnormalities not explained by well-established diagnoses.

(2) The term ‘Persian Gulf War’ has the meaning given that term in section 101(33) of title 38, United States Code.

SEC. 806. EXTENSION AND MODIFICATION OF NA-
TURAL SCIENCE AND ENGINEERING RE-
VIEWS AND EVALUATIONS ON ILL-
NESS AND SERVICE IN PERSIAN
GULF WAR AND POST-9/11 GLOBAL
OPERATIONS THEATERS.

(a) REVIEW AND EVALUATION OF AGENTS AND ILLNESS
ASSOCIATED WITH PERSIAN GULF WAR SERVICE.—

(1) EXTENSION OF REVIEW AND EVALUA-
TION.—Subsection (j) of section 1863 of the
Persian Gulf War Veterans Act of 1998 (Pub-
lic Law 105–277; 38 U.S.C. 1117 note), as
amended by section 202(d)(2) of the Veterans
Education and Benefits Expansion Act of
2001 (Public Law 107–173; 115 Stat. 985), is
amended by striking “October 1, 2010” and
inserting “October 1, 2015”.

(b) DISAGGREGATION OF RESULTS BY THEA-
TERS OF OPERATIONS BEFORE AND AFTER SEP-
TEMBER 11, 2001.—Such section is further
amended—

(A) in subsection (c)(1)(A), by striking “who served in the Southwest Asia theater of operations” and all that follows and inserting “who may have been exposed by reason of service in the Southwest Asia theater of operations during the Persian Gulf War or, after September 11, 2001, in another Post-9/11 Global Theater of Operations and”;

(B) in subsection (g)(1), by striking “Gulf War service” and inserting “service described in subsection (c)(1)(A)”;

(C) in subsection (i)—

(i) in paragraph (1), by striking “paragraph (5)” and inserting “paragraph (6)”;

(ii) by redesignating paragraph (5) as para-
graph (6); and

(iii) by inserting after paragraph (4) the following new paragraph (5):

“(5) In each report under this subsection submitted after the date of the enactment of this paragraph, any determinations, results, and recommendations as described in paragraph (2) shall be submitted separately as follows:

(A) For the Southwest Asia theater of operations for the period of the Persian Gulf War ending on September 11, 2001.

(B) For the Post-9/11 Global Theaters of Operations for the period of the Persian Gulf War or, after September 11, 2001, in another Post-9/11 Global Theater of Operations; and”;

(D) in subsection (h), by adding at the end the following new paragraph:

“(5) In each report under this subsection submitted after the date of the enactment of this paragraph, any determinations, results, and recommendations as described in paragraph (2) shall be submitted separately as follows:

(A) For the Southwest Asia theater of operations for the period of the Persian Gulf War ending on September 11, 2001.

(B) For the Post-9/11 Global Theaters of Operations for the period of the Persian Gulf War or, after September 11, 2001, in another Post-9/11 Global Theater of Operations; and”;

(E) in subsection (f)—

(i) in paragraph (2)—

(I) by striking “Gulf War veterans” and inserting “veterans described in such paragraph”; and

(II) by striking “Gulf War service” and in-
serting “such service”;

(D) in subsection (h), by adding at the end the following new paragraph:

“(5) In each report under this subsection submitted after the date of the enactment of this paragraph, any determinations, results, and recommendations as described in paragraph (2) shall be submitted separately as follows:

(A) For the Southwest Asia theater of operations for the period of the Persian Gulf War or, after September 11, 2001, in another Post-9/11 Global Theater of Operations or exposure during such service; and

(B) in subsection (i)—

(i) in paragraph (1), by striking “paragraph (5)” and inserting “paragraph (6)”;

(ii) by redesignating paragraph (5) as para-
graph (6); and

(iii) by inserting after paragraph (4) the following new paragraph (5):

“(5) In each report under this subsection submitted after the date of the enactment of this paragraph, any determinations, results, and recommendations as described in paragraph (2) shall be submitted separately as follows:

(A) For the Southwest Asia theater of operations for the period of the Persian Gulf War ending on September 11, 2001.

(B) For the Post-9/11 Global Theaters of Operations for the period of the Persian Gulf War or, after September 11, 2001, in another Post-9/11 Global Theater of Operations; and”;

(E) in subsection (f)—

(i) in paragraph (2)—

(I) by striking “Gulf War veterans” and inserting “veterans described in such paragraph”; and

(II) by striking “Gulf War service” and in-
serting “such service”;

(D) in subsection (h), by adding at the end the following new paragraph:

“(5) In each report under this subsection submitted after the date of the enactment of this paragraph, any determinations, results, and recommendations as described in paragraph (2) shall be submitted separately as follows:

(A) For the Southwest Asia theater of operations for the period of the Persian Gulf War ending on September 11, 2001.

(B) For the Post-9/11 Global Theaters of Operations for the period of the Persian Gulf War or, after September 11, 2001, in another Post-9/11 Global Theater of Operations; and”;

(F) in subsection (i)—

(i) in paragraph (1), by striking “paragraph (5)” and inserting “paragraph (6)”;

(ii) by redesignating paragraph (5) as para-
graph (6); and

(iii) by inserting after paragraph (4) the following new paragraph (5):

“(5) In each report under this subsection submitted after the date of the enactment of this paragraph, any determinations, results, and recommendations as described in paragraph (2) shall be submitted separately as follows:

(A) For the Southwest Asia theater of operations for the period of the Persian Gulf War or, after September 11, 2001, in another Post-9/11 Global Theater of Operations; and

(E) in subsection (f)—

(i) in paragraph (2)—

(I) by striking “Gulf War veterans” and inserting “veterans described in such paragraph”; and

(II) by striking “Gulf War service” and in-
serting “such service”;

(F) in subsection (i)—

(i) in this section, the term—

(A) the term ‘Persian Gulf War’ has the meaning given that term in section 101(33) of title 38, United States Code.

(2) The term ‘Post-9/11 Global Theater of Operations’ means mean Afghanistan, Iraq, and any other theater of operations for which the Global War on Terrorism Expeditionary Medal is awarded for service.

(3) CONFORMING AMENDMENT.—Section 1041 of the Persian Gulf War Veterans Act of 1998 (Public Law 105–277; 38 U.S.C. 1117 note) is re-
pealed.
SEC. 902. MODIFICATION OF AUTHORIZATION AMOUNT FOR MAJOR MEDICAL FACILITY CONSTRUCTION PROJECT PREVIOUSLY AUTHORIZED FOR THE DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, NEW ORLEANS, LOUISIANA.

Section 801(a)(1) of the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109-461; 120 Stat. 3443), as amended by section 702(a)(11) of the Veterans’ Mental Health and Other Care Improvements Act of 2008 (Public Law 110-387; 122 Stat. 4137), is amended by striking ‘‘$950,000,000’’ and inserting ‘‘$959,000,000’’.

SEC. 903. MODIFICATION OF AUTHORIZATION AMOUNT FOR MAJOR MEDICAL FACILITY CONSTRUCTION PROJECT PREVIOUSLY AUTHORIZED FOR THE DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, LONG BEACH, CALIFORNIA.

Section 802(g) of the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109-461; 120 Stat. 3443) is amended by striking ‘‘$107,845,000’’ and inserting ‘‘$117,845,000’’.

SEC. 904. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR CONSTRUCTION.—There is authorized to be appropriated for the Secretary of Veterans Affairs for fiscal year 2011 for the Construction, Major Projects account $1,112,845,000, of which:

(1) $959,000,000 is for the increased amounts authorized for the project whose authorization is modified by section 902; and

(2) $177,845,000 is for the increased amounts authorized for the project whose authorization is modified by section 903.

(b) AUTHORIZATION OF APPROPRIATIONS FOR MEDICAL FACILITY LEASES.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2011 for the Medical Facility Leases account $74,338,000 for the leases authorized in section 901.

(c) LIMITATIONS.—The projects whose authorizations are modified under sections 902 and 903 may only be carried out using—

(1) funds appropriated for fiscal year 2011 pursuant to the authorization of appropriations in subsection (a) of this section;

(2) funds available for Construction, Major Projects, for a fiscal year before fiscal year 2011 that remain available for obligation;

(3) funds available for Construction, Major Projects, for fiscal year 2011 that are specific to a project;

(4) funds appropriated for Construction, Major Projects, for a fiscal year before 2011 for a category of activity not specific to a project; and

(5) funds appropriated for Construction, Major Projects, for a fiscal year before 2011 for a category of activity not specific to a project.

SEC. 905. REQUIREMENT THAT BID SAVINGS ON MAJOR MEDICAL FACILITY PROJECTS OF DEPARTMENT OF VETERANS AFFAIRS BE USED FOR OTHER MAJOR MEDICAL FACILITY CONSTRUCTION PROJECTS OF THE DEPARTMENT.

Section 810(d) is amended—

(1) by striking ‘‘In any case’’ and inserting ‘‘(1) Except as provided in paragraph (2), In any case’’; and

(2) by adding at the end the following new paragraph:

‘‘(2) In any fiscal year, unobligated amounts in the Construction, Major Projects account that are a direct result of bid savings from a major medical facility project may only be obligated for major medical facility projects authorized for that fiscal year or a previous fiscal year.

(B) Whenever the Secretary obligates amounts for a major medical facility under subparagraph (A), the Secretary shall submit to the Committee on Veterans’ Affairs and the Committee on Appropriations of the Senate and the Committee on Veterans’ Affairs and the Committee on Appropriations of the House of Representatives notice of the following:

(i) The major medical facility project that is the source of the bid savings.

(ii) The other major medical facility project for which the amounts are being obligated.

(iii) The amounts being obligated for such other major medical facility project.

TITLE X—OTHER MATTERS

SEC. 1001. TECHNICAL CORRECTIONS.

(a) CHAPTER 1.—The table of sections at the beginning of chapter 1 is amended by striking the item relating to section 118 and inserting the following new item:

‘‘118. Submission of reports to Congress in electronic form.’’

(b) CHAPTER 11.—Section 1114(c)(2) is amended by striking ‘‘$32,983’’ and inserting ‘‘$32,983’’.

(c) CHAPTER 17.—Chapter 17 is amended as follows:

(1) In each of subparagraphs (A) and (B) of section 1711(a)(2), by striking ‘‘the date of the Caregivers and Veterans Omnibus Health Services Act of 2010’’ and inserting ‘‘May 5, 2010’’.

(2) In section 1785—

(A) by striking section 2811(b) of the Public Health Service Act (42 U.S.C. 300h-11(b)) and inserting ‘‘section 2812 of the Public Health Service Act (42 U.S.C. 300h-11);’’ and

(B) by striking ‘‘paragraph (3)(A)’’.

(d) CHAPTER 19.—Chapter 19 is amended as follows:

(1) In the third sentence of section 1967(a)(3)(B), by striking ‘‘spouse,’’ and inserting ‘‘spouse’’.

(2) In the second sentence of section 1980A(b), by inserting ‘‘section before 1969(b)’’.

(e) CHAPTER 20.—Section 204(c)(3) is amended by striking ‘‘fiscal year’’ and inserting ‘‘fiscal years’’.

(f) CHAPTER 30.—The table of sections at the beginning of chapter 30 is amended by striking the table of section 3320 and inserting the following new item:

‘‘3020. Authority to transfer unused education benefits to family members for career service members.’’

(g) CHAPTER 31.—Chapter 31 is amended as follows:

(1) In section 3313(c)(1), by striking ‘‘higher education’’ each place it appears and inserting ‘‘higher learning’’.

(2) In section 3313(d)(3), by striking ‘‘assistance this chapter’’ and inserting ‘‘assistance under this chapter’’.

(3) In section 3313(e)(2)(B), by inserting a period at the end.

(4) In section 3316(b)(2), by striking ‘‘supplement’’ and inserting ‘‘supplemental’’.

(5) In section 3316(b)(3), by striking ‘‘educational payable’’ and inserting ‘‘educational assistance payable’’.

(6) In section 3318(b)(2), by striking ‘‘higher education’’ and inserting ‘‘higher learning’’.

(7) In section 3319(b)(2), by striking ‘‘section (c)’’ and inserting ‘‘subsection (j)’’.

(8) In section 3321(b)(2), by striking ‘‘3312’’ and inserting ‘‘3312 of this title’’.

(h) CHAPTER 35.—Section 3512(a)(6) is amended by striking ‘‘this clause’’ and inserting ‘‘this paragraph’’.

(i) CHAPTER 39.—Section 3904(a)(1) is amended by striking ‘‘, and inserting a comma.

(j) CHAPTER 37.—Section 3733(a)(7) is amended by inserting a comma after ‘‘2003’’.

(k) CHAPTER 41.—Section 4102A(b)(8) is amended by striking ‘‘Employment and Training’’ and inserting ‘‘Employment, Training’’.

(l) CHAPTER 55.—Chapter 55 is amended as follows:

(1) In section 5510, in the second sentence of the matter preceding paragraph (1) by striking ‘‘—’’ and inserting ‘‘—’’.

(2) In section 5510(b)(9), by striking ‘‘government’’ and inserting ‘‘Government’’.

(m) CHAPTER 57.—Chapter 57 is amended as follows:

(1) In section 5722(g)(2), by inserting ‘‘the’’ before ‘‘Department’’.

(2) In section 5727(h)(2), by striking ‘‘subordinate plan defines’’ and inserting ‘‘plan that defines’’.

(n) CHAPTER 73.—Chapter 73 is amended as follows:

(1) The table of sections at the beginning of such chapter is amended by striking the item relating to section 7383 and inserting the following new item:

‘‘7333. Nondiscrimination against alcohol and drug abusers and persons infected with the human immunodeficiency virus.’’

(2) In section 7325(b)(2), by striking ‘‘section 2811(b) of the Public Health Service Act (42 U.S.C. 300h-11(b))’’ and inserting ‘‘section 2812 of the Public Health Service Act (42 U.S.C. 300h-11)’’;

(3) In section 7903(a) is amended by striking ‘‘paragraph (2)’’ and inserting ‘‘paragraph (3)’’;

(o) CHAPTER 81.—Chapter 81 is amended as follows:

(1) In section 8111(a)(2)(B)(i)—

(A) by striking ‘‘section 2811(b) of the Public Health Service Act (42 U.S.C. 300h-11(b))’’ and inserting ‘‘section 2812 of the Public Health Service Act (42 U.S.C. 300h-11)’’;

and

(B) by striking ‘‘paragraph (3)(A)’’

(A) in paragraph (1), by striking ‘‘(42 U.S.C. 300h-11(b))’’ and inserting ‘‘(42 U.S.C. 300h-11)’’;

and

(B) in paragraph (2), by striking ‘‘(42 U.S.C. 247d-6(a))’’ and inserting ‘‘(42 U.S.C. 247d-4)’’.

SEC. 1002. STATUTORY PAY-AS-YOU-GO ACT COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ‘‘Budgetary Effects of PAYGO Legislation’’ for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SA 4672. Mr. DURBIN (for Mr. AKAKA) proposed an amendment to the bill H.R. 3219, to amend title 38, United States Code, and the Servicemembers Civil Relief Act to make certain improvements in the laws administered by the Secretary of Veterans Affairs, and for other purposes; as follows:

Amend the title so as to read: ‘‘An Act to amend title 38, United States Code, and the Servicemembers Civil Relief Act to make certain improvements in the laws administered by the Secretary of Veterans Affairs, and for other purposes.’’
AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on September 28, 2010, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on September 28, 2010, at 10 a.m. in room 406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on September 28, 2010, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled “Do Private Long-Term Disability Policies ‘Provide the Protection They Promise?’”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on September 28, 2010, at 10 a.m. in room 628 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BURRIS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 28, 2010, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER PROTECTION, PRODUCT SAFETY, AND INSURANCE

Mr. BURRIS. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Protection, Product Safety, and Insurance of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on September 28, 2010, at 10:30 a.m. in room 235 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE INFRASTRUCTURE, SAFETY, AND SECURITY

Mr. BURRIS. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on September 28, 2010, at 3 p.m., in room 235 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

STEM CELL THERAPEUTIC AND RESEARCH REAUTHORIZATION ACT OF 2010

Mr. FRANKEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 587, S. 3751.

The PRESIDING OFFICER. The clerk will report the bill by title.

Mr. BURRIS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3751.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on September 28, 2010, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on September 28, 2010, at 3 p.m. in room 406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on September 28, 2010, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled “Do Private Long-Term Disability Policies ‘Provide the Protection They Promise?’”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on September 28, 2010, at 10 a.m. in room 628 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BURRIS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 28, 2010, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER PROTECTION, PRODUCT SAFETY, AND INSURANCE

Mr. BURRIS. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Protection, Product Safety, and Insurance of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on September 28, 2010, at 10:30 a.m. in room 235 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE INFRASTRUCTURE, SAFETY, AND SECURITY

Mr. BURRIS. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on September 28, 2010, at 3 p.m., in room 235 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.
of the report; than 180 days after the date of enactment of this Council established under such section 379, shall Services (referred to in this subsection as the Public Health Service Act (42 U.S.C. therapeutic and Research Act of 2005 and the invent- expanding remote collection of high quality cord blood units under the National Cord Blood Inventory pro- Senate and the Committee on Energy and Com- date on which the Secretary was required to submit a plan, not later than 180 days after the period at the end, and inserting "$30,000,000 for each of fiscal years 2011 through 2014 and $33,000,000 for fiscal year 2015.", (f) REPORT ON CORD BLOOD UNIT DONATION AND COLLECTION.— (I) REMOTE COLLECTION OF CORD BLOOD UNITS, CONSISTENT WITH THE REQUIREMENTS UNDER THE PROGRAM AND SUCH NATIONAL CORD BLOOD INVENTORY PROGRAM GOAL;''; and (II) EXPLORING NOVEL APPROACHES OR INCENTIVES TO ENCOURAGE INNOVATIVE TECHNOLOGICAL ADVANCES THAT COULD BE USED TO COLLECT CORD BLOOD UNITS, CONSISTENT WITH THE REQUIREMENTS UNDER THE PROGRAM AND SUCH NATIONAL CORD BLOOD INVENTORY PROGRAM GOAL.''; and (B) BY ADDING AT THE END THE FOLLOWING: (B) EFFORTS TO INCREASE COLLECTION OF HIGH QUALITY CORD BLOOD UNITS.—In striking out subparagraph (A)(iv), not later than 1 year after the date of enactment of the Stem Cell Therapeutic and Research Reauthorization Act of 2005, the Secretary shall set an annual goal of increasing collections of high quality cord blood units, consistent with the inventory goal described in section 2(a) of the Stem Cell Therapeutic and Research Act of 2005 (referred to in this subparagraph as the ‘inventory goal’), and shall identify at least one project under subparagraph (A)(iv) to replicate and expand nationwide, as appropriate. If the Secretary cannot identify a project as described in the preceding sentence, the Secretary shall submit a plan, not later than 180 days after the date the Secretary was required to identify such a project, to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Health and Human Services a report reviewing studies, demonstration programs, and outreach efforts to increase cord blood unit donation and collection for the National Cord Blood Inventory to ensure a high-quality and genetically diverse inventory of cord blood units. (2) CONTENTS.—The report described in para- graph (1) shall include a review of such studies, demonstration programs, and outreach efforts, including those that increase cord blood unit donation and collection, the methods by which funds are distributed through contracts, the impact of regulatory and administrative requirements, and the capacity of cord blood banks to maintain high-quality units; remote collection or other innovative technological advances that could be used to collect cord blood units; appropriate methods for improving provider education about collecting cord blood units for the national inventory and participation in such collection activities; estimates of the number of cord blood unit collection sites necessary to meet the outstanding need and characteristics of such collection sites that would help increase the genetic diversity and enhance the quality of cord blood units collected; best practices for storing and sustaining partnerships for cord blood unit collection at medical facilities with a high number of minority births; potential and proven incentives to encour- age hospitals to become cord blood unit collection sites and partner with cord blood banks participating in the National Cord Blood Inventory under section 2 of the Stem Cell Therapeutic and Research Act of 2005 and to assist cord blood banks in expanding the number of cord blood unit collection sites with such which cord blood banks partner; recommendations about methods cord blood banks and collection sites could use to lower the cost of collecting cord blood units without decreasing the quality of the cord blood units collected; and (H) a description of the methods used prior to the date of enactment of this Act to distribute funds to cord blood banks and recommendations for how to improve such methods to encourage the collection of high-quality and diverse cord blood units, consistent with the require- ments of the C.W. Bill Young Cell Transplantation Program and the National Cord Blood Inventory program under section 2 of the Stem Cell Therapeutic and Research Act of 2005. (f) DEFINITION.—In this Act, the term ‘remote collection’ has the meaning given such term in section 379K(2)(C) of the Public Health Service Act. Mr. REED. Mr. President, today the Senate passed the Stem Cell Therapeutic and Research Reauthorization Act of 2010, I was pleased to have been involved in the crafting of this bill, which is the product of months of bi- partisan discussions, collaboration, and negotiation. I also want to recognize the hard work and dedication of Sena- tors DODD, HATCH, BURR, and ENSIGN in getting this bill across the finish line in the Senate. This bill offers promise to the tens of thousands of individuals diagnosed with leukemia and lymphomas, sickle cell anemia, and rare genetic blood disorders. It will reauthorize the C.W. Bill Young National Marrow Donor Pro- gram, which has been helping to connect individuals in need of a bone marrow transplant with donors since 1986, and the National Cord Blood Inventory, which has been helping to connect indi- viduals in need of an umbilical cord blood transplant with donors since 1999. I am particularly pleased that the bill will remove a cap on the number of cord blood units that could be stored by qualified cord blood banks in the National Cord Blood Inventory. The original law limited the number to 150,000 units. As the science has evolved, we know that 150,000 is no- where near the number the government needs to meet the demands of those in need of a cord blood transplant. And, in elimi- nating this cap, I am pleased that we have included provisions to encourage greater cord blood donation and collection as well as provisions to help shed light on the obstacles to greater dona- tion and collection. I am proud that the Rhode Island Blood Center has contributed to the success of the National Marrow Donor Program with over 61,000 registered marrow donors. In addition, last year a new partnership formed between the Rhode Island Blood Bank and Women and Infants Hospital in Providence, RI, to begin collecting umbilical cord blood units as part of a pilot project. Over 1,000 units have already been col- lected, and I look forward to the time when Rhode Island will be contributing to the National Cord Blood Inventory. The public registries made up of Rhode Island donors and those from all over the country have been a true life- line for the Americans who have found an unrelated match. By strengthening and enhancing the important programs operating these registries, many more
Americans will be afforded the opportunity to find a match if they are ever in need. I look forward to swift passage of this legislation in the House of Representatives and the President signing this critical legislation.

Mr. HATCH. Mr. President, I am pleased that the Senate is considering S. 3751, the Stem Cell Therapeutic and Research Reauthorization Act of 2010 which reauthorizes the Stem Cell Therapeutic and Research Act of 1995—P.L. 109–129—through the end of 2015. I am also grateful that Senators DODD, BURR, REED, ENSIGN, FRANKEN and COBURN have joined me as sponsors of this bipartisan bill, which was unanimously approved by the Senate Committee on Health, Education, Labor and Pensions and the House Energy and Commerce Committee last week.

S. 3751, the Stem Cell Therapeutic and Research Reauthorization Act, reauthorizes the C.W. Bill Young Cell Transplantation Program—the Program—and the National Cord Blood Inventory program—NCBI. These programs maintain donor registries for individuals in need of bone marrow and umbilical cord blood transplants. Today, more than eight million Americans are registered bone marrow donors, and in the 5 years since NCBI was established, more than 28,600 cord blood units have been collected. Cord blood transplantation accounts for over 40 percent of all transplants in the country.

I believe it is important for Senators to understand the specifics of S. 3751. Our bill reauthorizes the program through the end of Fiscal Year 2015. The authorization levels for the Program are $30 million from FY11 through FY14 and $33 million in FY15. The NCBI authorization levels are $23 million from FY11 through FY14 and $20 million in FY15. The total authorization level for both programs combined is $53 million annually, which is the same authorization level included in the Stem Cell Therapeutic and Research Act of 2005.

Our bill calls for the collection and maintenance of at least 150,000 high-quality cord blood units. In order to collect high-quality and diverse units, the Health Resources and Services Administration—HRSA—contracts with cord blood banks to collect and maintain umbilical cord blood units for the national inventory. To achieve the goal of collecting at least 150,000 units, S. 3751 requires cord blood banks to provide a strategic plan to increase collection, assist with the creation of new collection sites, and contract with new collection sites when first applying for a contract or extending an existing contract. S. 3751 also requires cord blood banks to submit an annual plan for achieving self-sufficiency and demonstrates on-going measurable progress toward achieving self-sufficiency of cord blood collection and banking operations. The bill also extends the duration of a contract from 3 to 5 years and allows cord blood units to remain part of the national inventory for at least 10 years.

Additionally, S. 3751 redefines the term “first-degree relative” as a sibling of an individual requiring a transplant, or a parent if the blood for a parent is in need of a cord blood transplant, as the original law suggested. The bill also aligns the privacy protections provided to bone marrow donors and patients with umbilical cord blood donors and transplant patients.

The legislation encourages the Program to support studies and demonstration projects to increase cord blood donation and collection. More specifically, S. 3751 directs the Secretary of Health and Human Services—HHS, acting though the HRSA Administrator, to submit to Congress an annual report on the National Program’s activities including novel approaches for increasing cord blood unit donation and collection. The HHS Secretary also is directed to develop a goal of increasing collections of high-quality and diverse cord blood units through remote collection or other approaches. In addition, S. 3751 directs the HHS Secretary to identify at least one of these approaches to replicate and expand across the country. If a project is not identified, the HHS Secretary shall submit a plan for expanding remote collection of high-quality and diverse cord blood units.

S. 3751 directs the HHS Secretary, in consultation with the Advisory Council, to submit to Congress an interim report within 6 months after enactment, describing existing methods used to distribute Federal funds to cord blood banks. The report also would explain how cord blood banks contract with cord blood unit collection sites and recommend how these methods may be improved in order to encourage efficient collection of high-quality and diverse cord blood units.

Our legislation also requires the Advisory Council to submit recommendations to the HHS Secretary 1 year after enactment on whether remote models for cord blood unit collection should be allowed with only limited, scientifically justified safety protections. The Advisory Council would also make recommendations on whether HHS should allow for cord blood unit collection from routine deliveries without temperature or humidity monitoring of delivery rooms approved by the Joint Commission.

Finally, S. 3751 requires the Government Accountability Office—GAO—to study existing cord blood donation and collection methods and the barriers responsible for limiting donation and collection. GAO also would analyze the methods used to distribute funds to cord blood banks and novel approaches to grow the NCBI.

S. 3751 provides that contrary to popular belief, bipartisanship still exists in the United States Congress. The original Stem Cell Therapeutic and Research Act passed Congress unanimously and became law—P.L. 109–129—on December 20, 2005. This law offered a unique opportunity to assist those suffering from a serious illness requiring cord blood or bone marrow transplants. In 2005, our goal was to increase the number of bone marrow patients and donors to meet our goal of 150,000 high-quality and diverse cord blood units. Today, our goal remains the same except we are encouraging the collection of at least 150,000 units. The sponsors of this legislation want to do everything in our power to work with the best transplant options and signing this legislation into law is how we achieve this second goal. Transplant patients and their families deserve nothing less.


Finally, I ask unanimous consent to have printed in the RECORD the section by section analysis of S. 3751.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEC. 1. SHORT TITLE

S. 3751 is the Stem Cell Therapeutic and Research Reauthorization Act of 2010.

(a) Instructs the Secretary of Health and Human Services (HHS) to enter into contracts with qualified blood banks in order to create and maintain a national inventory of at least 150,000 new high quality cord blood units suitable for transplantation into unrelated recipients. The 2005 law authorized a 3-year demonstration project to collect umbilical cord blood units specifically for use in a first-degree relative. The law directed these units to be combined with the national inventory at the end of the 3-year demo. Since the FDA follows different collection and storage requirements for cord blood units intended for use in a first-degree relative and a stranger, the substitute amendment eliminates this instruction and requires the units collected for the demonstration program only be stored for use in a first-degree relative.

Includes additional requirements for entities applying to be qualified cord blood banks. First, the entities must develop a plan to increase cord blood unit collections at collection sites that exist at the time of application, assist with the establishment of new collection sites and new collection sites. Second, contract recipients must annually provide to the HHS Secretary...
a plan for and demonstrate ongoing, measurable progress toward achieving self-sufficiency of cord blood collection and banking operations.

Extends the length of a cord blood bank contract from three years to five years. A five-year extension of cord blood contracts with federal agencies will help federal agencies and private entities demonstrate a superior ability to satisfy the requirements included in the original statute to be federal cord blood banks; (2) provide a plan for increasing cord blood unit collections at collection sites that exist at the time of consideration of such extension, assist with the establishment of new collection sites, or contract with new collection sites; and (3) annually provide to the HHS Secretary a plan for and demonstrate ongoing, measurable progress toward achieving self-sufficiency of cord blood collection and banking operations.

Redefines the term, “first-degree relative” as a sibling of the individual requiring a transplant. Authorizes appropriations for the National Cord Blood Inventory Program (NCBI) at $28 million in fiscal years 2011-2014 and $20 million in fiscal year 2015. The substitute amendment eliminates language in the law which allows funds to remain available until expended since this is over-ridden by long-standing policy in appropriations bills. The statutory language was originally necessary because the 2005 authorization law passed after funds had been appropriated.

(b) Clarifies that the C.W. Bill Young Cell Transplantation Program, known as the Program, includes directed and open projects to increase cord collection donation and collection from a genetically diverse population. Authorizes appropriations for the Program at $30 million in fiscal years 2011–2015.

(c) Requires the Secretary, acting through the Administrator of the Health Resources and Services Administration, to submit to Congress an annual report on activities conducted through the National Program including novel approaches for the purpose of increasing cord blood unit donation and collection. The Secretary shall submit an annual goal of increasing collections of high quality cord blood units through remote collection. The Secretary shall identify at least one of these approaches to replicate and expand nationwide as appropriate. If such a project cannot be identified, the Secretary shall submit a plan for expanding remote collection of high quality cord blood units. Remote collection is defined as cord blood units collections occurring at locations that do not hold written contracts with existing cord blood banks for collection support.

(d) Requires the Secretary, in consultation with the Advisory Council, to submit to Congress an interim report not later than 6 months after enactment, describing the existing methods used to distribute federal funds to cord blood banks; how cord blood banks contract with collection sites for the collection of cord blood units; and recommendations to improve these methods to encourage the efficient collection of high quality and diverse cord blood units. The Secretary shall submit an annual report on activities conducted through the National Program.

(e) Requires the Advisory Council to submit recommendations to the Secretary one year after enactment on the following:

1. remote models for cord blood unit collection should be allowed with only limited, scientifically sound protections.
2. HHS should allow for cord blood unit collection from routine deliveries without temperature or humidity monitoring of delivery rooms in hospitals approved by the Joint Commission.

(f) Authorizes appropriations for the C.W. Bill Young Cell Transplantation Program (the Program) at $30 million in fiscal years 2011–2014 and $33 million in fiscal year 2015. The substitute amendment eliminates language in the law which allows funds to remain available until expended since this is overridden by long-standing policy in appropriations bills. The statutory language was originally necessary because the 2005 authorization law passed after funds had been appropriated.

(g) Directs the Government Accountability Office (GAO) to submit a report on cord blood unit donation and collection as well as methods used to distribute funds to cord blood banks not more than one year after enactment. The report shall be submitted to the Senate Committee on Health, Education, Labor and Pensions, the Senate Committee on Appropriations, the House Energy and Commerce Committee and the House Committee on Appropriations.

(h) Mr. FRANKEN. Mr. President, I ask unanimous consent that the bill, as amended, be read three times, passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

(i) The PRESIDING OFFICER. Without objection, it is so ordered.

(j) The PRESIDING OFFICER. The clerk will report the bill by title.

(k) The assistant legislative clerk read as follows:

A bill (H.R. 3689) to provide for an extension of the legislative authority of the Vietnam Veterans Memorial Fund, Inc. to establish a Vietnam Veterans Memorial visitor center, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table, that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3689) was ordered to a third reading, was read the third time, and passed.

VIETNAM VETERANS MEMORIAL VISITOR CENTER

Mr. DURBIN. Mr. President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table, that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table, that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3689) was ordered to a third reading, was read the third time, and passed.

PREVENTION OF INTERSTATE COMMERCE IN ANIMAL CRUSH VIDEOS ACT OF 2010

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Judiciary be discharged from further consideration of H.R. 5566, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5566) to amend title 18, United States Code, to prohibit interstate commerce in animal crush videos, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased that the Senate will pass the Animal Crush Video Prohibition Act. In doing so, we are taking an important step toward banning obscene animal crush videos, and I thank Senators Kyl, Merkley and Burr for their leadership on this issue. We worked on a bipartisan basis to ensure that this legislation respects the first amendment and the role of our court system, while at the same time giving law enforcement a valuable and necessary tool to stop obscene animal cruelty. I urge the House to quickly pass a version of the bill.

Earlier this year, in United States v. Stevens, the Supreme Court struck down a Federal statute banning depictions of animal cruelty because it held the statute to be overbroad and in violation of the first amendment. Animal crush videos, which can depict obscene, extreme acts of animal cruelty, were a primary target of that legislation.

Two months ago, in response to the Stevens decision, the House overwhelmingly passed a narrower bill banning animal crush videos on obscenity grounds. The Senate Judiciary Committee regularly looks at questions raised by Supreme Court decisions and the first amendment, and the House-passed bill was referred to the Senate Judiciary Committee for consideration.

There are a few well-established exceptions to the first amendment. The United States has long prohibited the interstate sale of obscene materials, and the Supreme Court recognized this exception to the first amendment in 1957. Earlier this month, the Judiciary Committee held a hearing focused on the obscene nature of many animal crush videos. We heard testimony from experts who confirmed that many animal crush videos depict extreme acts of animal cruelty which are designed to appeal to a specific, prurient, sexual fetish. Indeed, these animal crush videos are patently offensive, lack any redeeming social value, and can be banned consistent with the Supreme Court’s obscenity jurisprudence. In doing so, the substitute amendment to the House bill, we were careful to respect the role that courts and juries play in determining obscenity. In any given case, it will be up to the prosecutor to prove and the jury to determine whether a given depiction is obscene, because obscenity is a separate element of the crime. The other element that occurs in animal crush videos and which warrants a higher punishment than simple obscenity is that...
it involves the intentional torture or pain to a living animal. Congress finds this combination deplorable and worthy of special punishment. That is why the maximum penalty is higher than general obscenity law.

The United States also has a history of prohibiting speech that is integral to criminal conduct. The acts of animal cruelty depicted in many animal crush videos violate State laws, but these laws are hard to enforce. The acts of cruelty are often committed in a clandestine manner that allows the perpetrators to remain anonymous. The nature of the videos also makes it extraordinarily difficult to establish the jurisdiction necessary to prosecute the crimes. Given the severe difficulties that State law enforcement agencies have encountered in attempting to investigate and prosecute the underlying conduct, reaffirming Congress’s commitment to closing the distribution network for obscene animal crush videos is an effective means of combating the crimes of extreme animal cruelty that they depict.

I have long been a champion of first amendment rights. As the son of Vermont printers, I know firsthand that the procedure of speech is the cornerstone of our democracy. This is why I have worked hard to pass legislation such as the SPEECH Act, which protects American authors, journalists and publishers from foreign libel laws that undermine the first amendment.

Today the Senate struck the right balance between the first amendment and the needs of law enforcement, while adhering to the separation of powers enshrined in our Constitution. I commend the bipartisan coalition that worked hard, alongside the Humane Society and first amendment experts, to strike this balance, and I look forward to the time when obscene animal crush videos no longer threaten animal welfare.

Mr. DURBIN. Mr. President, I ask unanimous consent the substitute at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment (No. 4660) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Animal Crush Video Prohibition Act of 2010.”

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The United States has a long history of prohibiting the interstate sale, marketing, advertising, exchange, and distribution of obscene material and speech that is integral to criminal conduct.

(2) The Federal Government and the States have a compelling interest in preventing intentional acts of extreme animal cruelty.

(3) Each of the several States and the District of Columbia criminalizes intentional acts of extreme animal cruelty, such as the intentional crushing, burning, drowning, suffocating, impaling, or transplanting of animals for no socially redeeming purpose.

(4) There are certain extreme acts of animal cruelty that appeal to a specific sexual fetish. These acts of cruelty are videotaped, and the resulting video tapes are commonly referred to as “animal crush videos.”

(5) The Supreme Court of the United States has long held that obscenity is an exception to speech protected under the First Amendment to the Constitution of the United States.

(6) In the judgment of Congress, many animal crush videos are obscene in the sense that the depictions taken as a whole—

(a) appeal to the prurient interest in sex;

(b) are patently offensive; and

(c) lack serious literary, artistic, political, or scientific value.

(7) Serious criminal acts of extreme animal cruelty are integral to the creation, sale, distribution, advertising, marketing, and exchange of animal crush videos.

(8) The creation, sale, distribution, advertising, marketing, and exchange of animal crush videos is intrinsically related and integral to the creation for, directly causing, and perpetuating demand for the serious acts of extreme animal cruelty the videos depict. The primary reason for those acts are the sale, distribution, advertising, marketing, and exchange of the animal crush video image.

(9) The serious acts of extreme animal cruelty necessary to make animal crush videos are committed in a clandestine manner that—

(a) allows the perpetrators of such crimes to remain anonymous;

(b) makes it extraordinarily difficult to establish the jurisdiction within which the underlying criminal acts of extreme animal cruelty occurred; and

(c) often precludes proof that the criminal acts occurred within the statute of limitations.

(10) Each of the difficulties described in paragraph (9) seriously frustrates and impedes the ability of State authorities to enforce the criminal statutes prohibiting such behavior.

SEC. 3. ANIMAL CRUSH VIDEOS.

(a) IN GENERAL.—Section 48 of title 18, United States Code, is amended to read as follows:

‘84. Animal crush videos

‘(a) DEFINITION.—In this section the term ‘animal crush video’ means any photograph, motion-picture film, video or digital recording, or electronic image that—

(1) depicts actual conduct in which 1 or more living non-human mammals, birds, reptiles, or amphibians is intentionally crushed, burned, drowned, suffocated, impaled, or otherwise subjected to serious bodily injury (as defined in section 1365) including conduct that, if committed against a person and in the special maritime and territorial jurisdiction of the United States, would violate section 2231 or 2232; and

(2) is obscene.

(b) PROHIBITIONS.—

(1) CREATING ANIMAL CRUSH VIDEOS.—It shall be unlawful for any person to knowingly create an animal crush video, or to attempt or conspire to do so, if—

(A) the person intends or has reason to know that the animal crush video will be distributed in, or using a means or facility of, interstate or foreign commerce; or

(B) the animal crush video is distributed in, or using a means or facility of, interstate or foreign commerce.

(2) DISTRIBUTION OF ANIMAL CRUSH VIDEOS.—It shall be unlawful for any person to knowingly sell, market, advertise, exchange, or distribute an animal crush video in, or using a means or facility of, interstate or foreign commerce, or to attempt or conspire to do so.

(c) EXTRATERRITORIAL APPLICATION.—Subsection (b) shall apply to the knowing sale, marketing, advertising, exchange, distribution, or creation of an animal crush video outside of the United States, or any attempt or conspiracy to do so, if—

(1) the person engaging in such conduct intends or has reason to know that the animal crush video will be transported into the United States or its territories or possessions; or

(2) the animal crush video is transported into the United States or its territories or possessions.

(d) PENALTY.—Any person who violates subsection (b) shall be fined under this title, imprisoned for not more than 7 years, or both.

(e) EXCEPTIONS.—

(1) IN GENERAL.—This section shall not apply with regard to any visual depiction of—

(A) customary and normal veterinary or agricultural husbandry practices;

(B) the slaughter of animals for food; or

(C) hunting, trapping, or fishing.

(2) GOOD-FAITH DISTRIBUTION.—This section shall not apply to the good-faith distribution of an animal crush video to—

(A) a law enforcement agency; or

(B) a third party for the sole purpose of analysis to determine if referral to a law enforcement agency is appropriate.

(f) NO PREEMPTION.—Nothing in this section shall be construed to preempt the law of any State or local subdivision thereof to protect animals.

(b) CLERICAL AMENDMENT.—The item relating to section 48 in the table of sections for chapter 3 of title 18, United States Code, is amended to read as follows:

‘48. Animal crush videos.’

(c) SEVERABILITY.—If any provision of section 48 of title 18, United States Code (as amended by this section), or the application of the provision to any person or circumstance, is held to be unconstitutional, the provision and the application of the provision to other persons or circumstances shall not be affected. The amendment was ordered to be engrossed and the bill read a third time.

The bill (H.R. 5566), as amended, was read the third time and passed.

ANTI-BORDER CORRUPTION ACT OF 2010

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to Calendar No. 619, S. 3243.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3243) to require U.S. Customs and Border Protection to administer polygraph examinations to all applicants for law enforcement positions who are not U.S. Customs and Border Protection, to require U.S. Customs and Border Protection to complete all periodic background reinvestigations of certain law enforcement personnel, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which
The bill (S. 3243) was ordered to be reported title amendment be agreed to, the bill, as amended, be read a third time and passed, the title amendment was agreed to, as follows:

A bill to require U.S. Customs and Border Protection to administer polygraph examinations to all applicants for law enforcement positions with U.S. Customs and Border Protection, to require U.S. Customs and Border Protection to initiate all periodic background reinvestigations of certain law enforcement personnel, and for other purposes.

SOCIAL SECURITY NUMBER PROTECTION ACT OF 2010

Mr. DURBIN. Mr. President, I ask unanimous consent that the Finance Committee be discharged from S. 3789 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3789) to limit access to social security account numbers.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, I ask unanimous consent that the Bingaman substitute amendment, which is at the desk, be considered and agreed to; the bill, as amended, be read three times, passed, and the motion to reconsider be laid upon the table, with no intervening action or debate; and any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

SOCIAL SECURITY ACCOUNT NUMBERS.—

It is the sense of Congress that the Secretary of the Interior may provide technical assistance to facilitate political status public education programs for people of the non-self-governing territories of the United States.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. I ask unanimous consent that the Bingaman substitute amendment, which is at the desk, be considered and agreed to; the bill, as amended, be read three times, passed, and the motion to reconsider be laid upon the table; that the title amendment at the desk be considered and agreed to; and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4669) was agreed to as follows:

(Purpose: In the nature of a substitute) Strike all after the enacting clause and insert the following:

SECTION 1. SENSE OF CONGRESS REGARDING POLITICAL STATUS EDUCATION IN GUAM.

It is the sense of Congress that the Secretary of the Interior may provide technical assistance to the Government of Guam under section 601(a) of the Act entitled ‘‘An Act to authorize appropriations for certain insular areas of the United States, and for other purposes’’, approved December 24, 1980 (48 U.S.C. 1469a(a)), for public education regarding political status options only if the political
status options are consistent with the Constitution of the United States.

SEC. 2. MINIMUM WAGE IN AMERICAN SAMOA AND THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

(a) DELAYED EFFECTIVE DATE.—Section 8103(b) of the Fair Minimum Wage Act of 2007 (29 U.S.C. 206 note) (as amended by section 520 of title V of division D of Public Law 111–117)—

(1) in paragraph (1)(B), by inserting “(except when there shall be no increase) after "thereafter" the second place it appears; and

(2) in paragraph (2)(C), by striking “except that, beginning in 2010” and inserting “except that, with such increase in 2010 or 2011 and, beginning in 2012”.

(b) GAO REPORT.—Section 8104 of such Act (as amended) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

“(a) REPORT.—The Government Accountability Office shall assess the impact of minimum wage increases that have occurred pursuant to section 8103, and not later than September 1, 2011, shall transmit to Congress a report. The Government Accountability Office shall submit subsequent reports not later than April 1, 2013, and every 2 years thereafter until the minimum wage in the respective territory meets the federal minimum wage.”; and

(2) by redesignating subsection (c) as subsection (b).

The amendment was ordered to be engrossed and the bill read a third time.

The bill (H.R. 3940), as amended, was read the third time and passed.

The amendment (No. 4670) was agreed to, as follows:

Amend the title so as to read: “To clarify the availability of existing funds for political status education in the Territory of Guam, and for other purposes.”.

FIVE-STAR GENERALS COMMENORATIVE COIN ACT

Mr. DURBIN. I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be discharged from further consideration of H.R. 1177, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title. The assistant legislative clerk read as follows:

A bill (H.R. 1177) to order the Secretary of the Treasury to mint coins in recognition of 5 United States Army 5-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry “Hap” Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College, and so forth.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statement relating to the measure be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1177) was ordered to be read a third time, was read the third time, and passed.

VETERANS’ INSURANCE AND HEALTH CARE IMPROVEMENTS ACT

Mr. DURBIN. I ask unanimous consent that the Veterans’ Affairs Committee be discharged from further consideration of H.R. 3219, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title. The assistant legislative clerk read as follows:

A bill (H.R. 3219) to amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs relating to insurance and health care, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. I ask unanimous consent that the Senate is acting on the compromise (No. 4670) was agreed to, as follows:

Amend the title so as to read: “To clarify the availability of existing funds for political status education in the Territory of Guam, and for other purposes.”.

The compromise agreement would increase the amount of supplemental life insurance available to totally disabled veterans from $20,000 to $30,000. Many totally disabled veterans find it difficult to obtain commercial life insurance. This legislation would provide benefits to veterans with a reasonable amount of life insurance coverage.

This benefits package also includes a provision that will expand eligibility for retroactive benefits from traumatic injury protection coverage under the Servicemembers’ Group Life Insurance program, commonly referred to as TGLI. Section 1032 of Public Law 109–13, the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, established traumatic injury protection under the SGLI program. TGLI went into effect on December 1, 2005. Therefore, all insured servicemembers under SGLI and TGLI forward are also insured under TGLI and their injuries are covered regardless of where they occur. In order to provide assistance to those servicemembers who suffered traumatic injuries on or between October 7, 2001, and November 30, 2005, retroactive TGLI payments were authorized under section 1032(c) of the Supplemental Appropriations Act to individuals whose qualifying losses were sustained “as a direct result of injuries incurred in Operations Enduring Freedom or Operation Iraqi Freedom.” Under section 501(b) of Public Law 109–233, the Veterans’ Housing Opportunity and Benefits Improvement Act of 2006, this definition was amended to allow retroactive payments to individuals whose qualifying losses were sustained “as a direct result of a traumatic injury incurred in the theater of operations for Operation Enduring Freedom and Operation Iraqi Freedom.” However, without corrective action, men and women who were traumatically injured on or between October 7, 2001, and November 30, 2005, but were not in the OIF or OEF theaters of operations, will continue to be denied the same retroactive payment given to their wounded comrades. This legislation would correct that inequity.

This bill also modifies programs that provide adaptive assistance to veterans. It would increase and provide an end of service grant program, which provides funds to assist severely disabled veterans in purchasing automobiles or other conveyances that can accommodate their disabilities. The increase to $18,900 would help prevent erosion of the value and effectiveness of this benefit.

Another provision included in this bill would expand this grant program to provide automobile and adaptive equipment assistance to disabled veterans who served in the Global War on Terrorism and have severe burns injuries. Due to the severe damage done to their skin, individuals with these disabilities experience difficulty operating a standard automobile not equipped to accommodate their disabilities. This legislation would help them obtain vehicles with special adaptations for assistance in and out of the vehicle, seat comfort, and climate control.

Another key part of this legislation is a provision to help homeless veterans and homeless veterans with children. The majority of programs and service providers currently available to homeless veterans have historically
been designed to assist male veterans. However, due to the increasing number of women serving in the Armed Forces, more than 5 percent of veterans requesting assistance from VA and community-based homeless veteran service providers are women. More than 10 percent of the women have dependent children. In addition, there are reports of a significant number of male home- less veterans who have dependent children as well. To meet these changing needs of veterans’ unmet needs and correct this inequity, this bill will establish a grant program for the reintegra- tion of homeless women veterans and homeless veterans with children into the labor force.

This bill would also increase to 2,700 the number of veterans who are au- thorized to enroll annually in a pro- gram of independent living services. This important program is designed to meet the needs of the most severely service-connected disabled veterans and more of those returning from comb- at have suffered the kind of dev- astating injuries that may make em- ployment not reasonably feasible for extended periods of time.

The compromise agreement recita- tion of all the provisions within this legislation. However, I hope that I have provided an appropriate overview of the major benefits this legislation would provide for America’s veterans and servicemembers. I urge our colleagues to support this important legis- lation that will benefit many of this Nation’s more than 23 million vet- erans and their families. I also urge the House of Representatives to work on this matter expeditiously so that this may be sent to the President for his signature.

Mr. President, I ask unanimous con- sent that the Joint Explanatory State- ment, which was developed with our colleagues in the House, be printed in the RECORD.

There being no objection, the mate- rial was ordered to be printed in the RECORD, as follows:

JOINT EXPLANATORY STATEMENT FOR H.R. 1088, AS AMENDED

H.R. 3219, as amended, the Veterans’ Bene- fits Act of 2010, reflects a Compromise Agree- ment reached by the House and Senate Com- mittees on Veterans’ Affairs (the Commit- tees) on the following bills reported during the 111th Congress: H.R. 174; H.R. 466, as amended; H.R. 1037, as amended; H.R. 1088; H.R. 1158, as amended; H.R. 1693, as amended; H.R. 1170, as amended; H.R. 1171, as amended; H.R. 2180; H.R. 3219, as amended; H.R. 3949, as amended; H.R. 4592, as amended (Housing Bills); and S. 726, as amend- ed; S. 1237, as reported; and S. 3609 (Senate Bills).

H.R. 174 passed the House on November 2, 2009; H.R. 466, as amended, passed the House on June 8, 2009; H.R. 1037, as amended, passed the House on July 27, 2009; H.R. 1088, as amended, passed the House on November 3, 2009; H.R. 1158 passed the House on March 23, 2010; H.R. 1037, as amended, passed the Senate on October 7, 2009. The Committees have prepared the fol- lowing explanation of H.R. 3219, as amended, to reflect a Compromise Agreement between the Committees. Differences between the provisions contained in the Compromise Agreement and the related provisions of the House Bills and the Senate Bills are noted in this document, except for clerical correc- tions, conforming changes made necessary by the Compromise Agreement, and minor drafting, technical, and clarifying changes.

TITLES I—SMALL BUSINESS, AND EDUCATION MATTERS

EXTENSION AND EXPANSION OF AUTHORITY FOR CERTAIN QUALIFYING WORK-STUDY ACTIVITIES OF PURPOSES OF THE EDUCATIONAL ASSISTANCE PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS

Current Law

Section 3485 of title 38, United States Code (U.S.C.), permits certain students enrolled in a program of education to participate in work-study programs. Approved work-study activities are generally activities relating to processing documents or providing services at Department of Veterans Affairs (VA) fa- cilities. However, until June 30, 2010, ap- proved activities also included outreach services provided by State approving agen- cies, contracts with communities and ac- tivities related to the administration of na- tional or State veterans’ cemeteries.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

H.R. 1037, as amended, would require VA to conduct a five-year pilot program to expand work-study opportunities by adding to the list of approved activities positions in aca- demic departments (including positions as tutors or research, teaching, and lab assist- ants) and in student services (including posi- tions in career centers and financial aid, campus orientation, cashiers, admissions, records, and registration offices).

Compromise Agreement

Section 101 of the Compromise Agreement would extend the authority from June 30, 2010, to June 30, 2013, during which qualifying work-study activities may include assisting with outreach services to servicemembers and veterans furnished by employees of State approving agencies, provision of care to veterans in State homes, and activities re- lated to administration of a national ceme- tery or State veterans’ cemeteries. In addi- tion, effective October 1, 2011, it would add to the list of approved work-study activities the following:

Activities of State veterans agencies help- ing veterans obtain any benefit under laws administered by VA or States;

Positions at Centers of Excellence for Vet- eran Student Success;

Positions working in programs run jointly by VA and an institution of higher learning; and

Any other veterans-related position in an institution of higher learning.

REAUTHORIZATION OF VETERANS’ ADVISORY COMMITTEE ON EDUCATION

Current Law

Section 3862 of title 38, provides for the for- mation of a Veterans’ Advisory Committee on Education. The authority for this Com- mittee expires on December 31, 2009.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 102 of H.R. 3949, as amended, would reauthorize the Advisory Committee until December 31, 2015.

Compromise Agreement

Section 102 of the Compromise Agreement would extend the Veterans’ Advisory Com- mittee on Education until December 31, 2013.

18-MONTH PERIOD FOR TRAINING OF NEW DIS- ABLED VETERANS’ OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS’ EMPLOY- MENT REPRESENTATIVES BY NATIONAL VETER- ANS’ EMPLOYMENT AND TRAINING SERVICES INSTITUTE WITHIN THREE YEARS OF BEGINNING EMPLOYMENT

Current Law

Section 4102A(c)(8) of title 38, U.S.C., re- quires that, as a condition of receiving grants under the Disabled Veterans’ Out- reach Program (DVOP) and the Local Vet- erans’ Employment Representatives (LVER) program authorities, States are generally re- quired to have each DVOP and LVER com- plete a program of training through the Na- tional Veterans’ Employment and Training Services Institute within three years of be- beginning employment.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

H.R. 1088 would require that DVOPs and LVERS designated to serve on or after the date of enactment complete training within 18 months of employment and that any previously-hired DVOPs and LVERS who were hired on or before January 1, 2006, also complete training within 18 months of the date of enactment.

COMPROMISE AGREEMENT

Section 103 of the Compromise Agreement would require that DVOPs and LVERS hired on or after the date of enactment complete training within 18 months of employment and that any previously-hired DVOPs and LVERS who were hired on or after January 1, 2006, also complete training within 18 months of the date of enactment.

CLARIFICATION OF RESPONSIBILITY OF SEC- RETARY OF VETERANS AFFAIRS TO VERIFY SMALL BUSINESS OWNERSHIP

Current Law

Public Law 109–461 (120 Stat. 3403), the Vet- erans Benefits, Health Care, and Information Technology Act of 2006, requires VA to main- tain the VetBiz Vendor Information Page (VIP) database containing Veteran Owned Small Businesses (VOSB) and Service-Dis- abled Veteran Owned Small Businesses (SDVOSBs). The law also requires VA to verify that registered firms meet the eligi- bility requirements to be classified as VOSBs or SDVOSBs to be included in the database.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 101 of H.R. 3949, as amended, would require VA to verify small business concerns prior to being listed in the VIP database.

Compromise Agreement

Section 104 of the Compromise Agreement follows the House Bill.

DETERMINATION PROJECT FOR REFERRAL OF USERRA CLAIMS AGAINST FEDERAL AGEN- CIES TO THE OFFICE OF SPECIAL COUNSEL

Current Law

Under chapter 43 of title 38, U.S.C., the De- partment of Labor has responsibility for re- ceiving, investigating, and attempting to re- solve all claims filed under the Uniformed Services Employment and Reemployment Rights Act (USERRA).

Senate Bill

The Senate Bills contain no comparable provision.
House Bill

H.R. 1089, as amended, would provide the U.S. Office of Special Counsel with initial jurisdiction to investigate and prosecute all USERRA complaints involving Federal executive agencies and provide authority for individuals to file complaints with the U.S. Office of Special Counsel. It would also allow the Office of Special Counsel to conduct investigations and issue subpoenas when investigating USERRA complaints.

Compromise Agreement

Section 105 of the Compromise Agreement would require the Secretary of Labor and the Office of Special Counsel to carry out a 36-month demonstration project to start no later than 90 days after the Compromiser General submits a report assessing the proposed methods and procedures for the demonstration project, under the demonstration project, certain USERRA claims against Federal executive agencies would be reviewed by or referred to the Office of Special Counsel. It would also allow the Office of Special Counsel to receive and investigate certain claims under USERRA and related prohibited personnel practice claims. Finally, the Compromise Agreement would establish general guidelines for administration of the demonstration project; would require the Department of Labor and the Office of Special Counsel to carefully establish methods and procedures to be used during the demonstration project and submit to Congress a report describing those methods and procedures; would require the Comptroller General to submit to Congress a report assessing those methods and procedures; and would require the Comptroller General to submit to Congress reports on the demonstration project.

Veterans Energy-Related Employment Program

Current Law

Current law contains no relevant provision.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

H.R. 4592, as amended, would create a Veterans Energy-Related Employment Program pilot program, which would award competitive grants to three States for the establishment of a program that would reimburse energy employers for the cost of providing on-the-job veterans in the energy sector. The reimbursements would go to employers or labor-management organizations. Each participating State would be required to provide evidence that it can produce such training to serve a population of eligible veterans, has a diverse energy industry, and the ability to carry out such a program, as well as certify that participating veterans would be hired at a wage rate consistent with the standard industry average for jobs that are technically involved and have a skill-set that is not transferable to other non-energy industries. It would authorize appropriations of $10 million a year for five years, beginning in 2011 through 2015.

Compromise Agreement

Section 106 of the Compromise Agreement would establish a pilot competitive grant program (Veterans Energy-Related Employment Program) as part of the Veterans Workforce Investment Program up to three States to provide grants to energy employers that train veterans in skills particular to the energy industry. States would need to use the grant funds for training, counseling, and job placement services. The bill would further require that VA retain any investment returns from these five-year grants, during the duration of this program. It would authorize $2 million per year for purposes of...
this grant program; those amounts would be derived from amounts appropriated for VA Medical Services. 

Compromise Agreement

Section 203 of the Compromise Agreement generally follows the House Bill. However, under the Compromise Agreement, the Secretary would not retain any patent rights to the technology developed by any grant recipient. The funding amount would be reduced from $2 million to $1 million per fiscal year to carry out this program, and the funding would now come from amounts appropriated to VA for readjustment benefits, not Medical Services. The effective date of the five-year pilot program would be October 1, 2011. 

WAIVER OF HOUSING LOAN FEE FOR CERTAIN VETERANS WITH SERVICE-CONNECTED DISABILITIES CALLED TO ACTIVE SERVICE 

Current Law

Current law, section 3729(c)(1) of title 38, U.S.C., states that a loan fee, normally collected from each person obtaining a housing loan guarantee, insured or made under chapter 37, will be waived for a veteran who is receiving compensation, or who, but for the receipt of retirement pay, would be entitled to receive compensation. 

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

H.R. 2180 would waive housing loan fees for certain veterans with service-connected disabilities called to active service. 

Compromise Agreement

Section 204 of the Compromise Agreement follows the House Bill.

TITLED—SERVICEMEMBERS CIVIL RELIEF ACT MATTERS 

RESIDENTIAL AND MOTOR VEHICLE LEASES 

Current Law

Section 305 of the Servicemembers Civil Relief Act (SCRA) permits the cancellation of motor vehicle leases and prohibits early termination penalties. It also permits cancellation of residential leases, but it does not provide protection from early termination fees. 

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 202 of H.R. 3499 would amend subsection (c) of section 305 of SCRA to revise provisions concerning arrearages and other obligations to prohibit a lessor from charging an early termination charge with respect to a residential, professional, business, or agricultural rental lease entered into by a person who subsequently enters military service, or for a servicemember who has received orders for permanent change of station or for deployment in support of a military operation. It would provide that unpaid lease charges shall be paid by the lessee. 

Compromise Agreement

Section 301 of the Compromise Agreement follows the House bill.

TERMINATION OF TELEPHONE SERVICE CONTRACTS 

Current Law

Section 305A of SCRA permits certain servicemembers the option to request a termination or suspension of their cellular phone service, for up to 90 days, when deployed outside of the continental United States for a period of not less than 90 days or have a permanent change of duty station within the United States. 

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 201 of H.R. 3499 would amend section 305A of the SCRA to allow a servicemember to terminate certain service contracts if the servicemember has received military orders to deploy for a period of not less than 90 days or for a change of duty station to a location that does not support such service. Furthermore, if the terminated contract is for a cellular or telephone exchange services, it would allow a servicemember to keep the phone number to the extent practicable and in accordance with applicable law. Covered contracts would include cellular telephone service (including family plans with the servicemember), telephone exchange service, multi-channel video programs, and internet service, as well as water, electricity, home heating oil, and natural gas services. Servicemembers would be required to deliver written notice to the service provider of the service contract and the military orders to the service provider by hand delivery, private carrier, fax, or U.S. Postal Service with return receipt requested and sufficient postage. A service provider would be prohibited from imposing an early termination charge, but could collect appropriate tax, obligation or liability under the contract. 

Compromise Agreement

Section 302 of the Compromise Agreement would allow a servicemember to terminate a contract for cellular telephone or telephone exchange service entered into by a family member of a servicemember to be terminated. 

ENFORCEMENT BY THE ATTORNEY GENERAL AND BY PRIVATE RIGHT OF ACTION 

Current Law

Current law contains no relevant provision. 

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 203 of H.R. 3499 would amend title VIII—Civil Liability, which would authorize the U.S. Attorney General to bring a civil action in U.S. district court to enforce provisions of the SCRA. It would also authorize the court to grant appropriate relief to include monetary damages to a person who has suffered a loss in certain circumstances to impose a civil penalty, for the first violation, will not exceed $50,000 and, for any subsequent violation, will not exceed $100,000. It would provide intervenor rights to aggrieved persons for a civil action that has already been started. In addition, it would clarify that a person has a private right of action to file a civil action for violations under the SCRA and that the court may award costs and attorney fees to a servicemember. Finally, it would provide that the rights granted under sections 801 or 802 will not limit or exclude any other rights that may also be available under Federal or state law. 

Compromise Agreement

Section 303 of the Compromise Agreement generally follows the House bill with some technical changes.
servicemembers who are totally disabled when they separate from service.

**House Bill**

Section 101 of H.R. 3219, as amended, would amend section 1968(a) of title 38, U.S.C., to eliminate the expiration date for a potential two-year extension of SGLI coverage available to servicemembers who are totally disabled when they separate from service.

**Compromise Agreement**

Section 402 of the Compromise Agreement follows the language in both bills.

**ADJUSTMENT OF COVERAGE OF DEPENDENTS UNDER SERVICEMEMBERS’ GROUP LIFE INSURANCE**

**Current Law**

Under current law, insurable dependents of servicemembers on active duty, or Ready Reservists who are totally disabled on the date of separation or release from service or assignment, are authorized to continue receiving insurance coverage long after the servicemembers’ separation or release from service. Servicemembers on active duty are potentially eligible for continued coverage for up to 2 years after the date of separation or release from service; Ready Reservists are potentially eligible for an additional 1 year of coverage or reemployment with the same employer.

Section 102 of H.R. 1037, as amended, would amend section 1968(b)(1) of title 38, U.S.C., so that no insurable dependent, not even those originally insurable and who remain covered for up to 1 or 2 years after service or assignment, could remain covered under SGLI for more than 120 days after the separation or release from service or assignment.

**House Bill**

The House Bills contain no comparable provision.

**Compromise Agreement**

Section 403 of the Compromise Agreement follows the Senate Bill.

**OPPORTUNITY TO INCREASE AMOUNT OF VETERANS’ GROUP LIFE INSURANCE**

**Current Law**

Section 1977(a)(1) of title 38, U.S.C., limits the amount of VGLI coverage a veteran may carry to the amount of SGLI coverage that continued in force after that veteran was separated from service.

**Senate Bill**

Section 102 of S. 3765 would amend section 1977(a) of title 38, U.S.C., to allow VGLI participants who are under the age of 60 and insured for less than the current maximum authorization to request additional opportunity to obtain, without a health care examination, an additional $25,000 in coverage once every 5 years at the time of renewal.

**House Bill**

Section 102 of H.R. 3219, as amended, would amend section 1977(a) of title 38, U.S.C., to allow VGLI participants who are under the age of 60 and insured for less than the current maximum authorization to request additional opportunity to obtain, without a health care examination, an additional $25,000 in coverage once every 5 years at the time of renewal.

**Compromise Agreement**

Section 404 of the Compromise Agreement follows the language in both bills.

ELIMINATION OF REDUCTION IN AMOUNT OF ACCELERATED DEATH BENEFIT FOR TERMINALLY ILL PERSONS INSURED UNDER SERVICEMEMBERS’ GROUP LIFE INSURANCE AND VETERANS’ GROUP LIFE INSURANCE

**Current Law**

The current SGLI/VGLI Accelerated Benefits Option (ABO) requires VA to discount or reduce the payout available under both the SGLI and VGLI programs for terminally ill servicemembers and veterans who exercise the option to use up to half of their policy. Currently, VA discounts this payment by an amount commensurate to the interest rate earned by the program on its investment in effect at the time that a servicemember or veteran applies for the benefits, thereby often significantly reducing the amount of the ABO payment.

**Senate Bill**

The Senate Bills contain no comparable provision.

**House Bill**

Section 103 of H.R. 3219, as amended, would amend section 1980A(d) of title 38, U.S.C., by eliminating the requirement that the lump sum accelerated payment be “reduced by an amount necessary to assure that there is no increase in the actuarial value of the benefits paid, as determined by the Secretary.”

**Compromise Agreement**

Section 405 of the Compromise Agreement follows the House Bill.

**CONSIDERATION OF LOSS OF DOMINANT HAND IN PRESCRIPTION OF SCHEDULE OF SEVERITY OF TRAUMATIC INJURY UNDER SERVICEMEMBERS’ GROUP LIFE INSURANCE**

**Current Law**

Under current law, traumatic injury protection under SGLI and VGLI (TSGLI) is authorized for payment to servicemembers who suffer a qualifying loss as a result of a traumatic injury event. In the event of a qualifying loss, VA will pay between $25,000 and $100,000, depending on the severity of the qualifying loss. TSGLI went into effect on December 1, 2005, in order to provide assistance to those servicemembers suffering traumatic injuries on or before October 7, 2001, and November 30, 2005. Retroactive TSGLI payments to those who were determined as a “direct result of a traumatic injury incurred in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom.” Men and women who were determined as a “direct result of a traumatic injury incurred in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom” under section 501(b) of Public Law 109–233, the Veterans Housing Opportunity Benefits Improvement Act of 2006, this definition was amended to allow retroactive payments to individuals whose qualifying losses were sustained as a “direct result of a traumatic injury incurred in the theater of operations for Operation Enduring Freedom and Operation Iraqi Freedom.”

**Senate Bill**

Section 104 of H.R. 3219, as amended, would amend section 405 of the Compromise Agreement to allow VA to distinguish in specifying payments, VA does not account for the effectiveness of the loss of a dominant hand and a non-dominant hand.

**House Bill**

The House Bills contain no comparable provision.

**Compromise Agreement**

Section 406 of the Compromise Agreement follows the Senate Bill except that the provision would take effect on October 30, 2011.

**ENHANCEMENT OF VETERANS’ MORTGAGE LIFE INSURANCE**

**Current Law**

Under current law, service-connected disabled veterans who have received specially adapted housing grants from VA may purchase up to $90,000 in Veterans’ Mortgage Life Insurance (VMLI). In the event of the veteran’s death, the veteran’s family is protected because VA will pay the balance of the mortgage owed up to the maximum amount of insurance purchased.

**Senate Bill**

Section 105 of H.R. 3219, as amended, would amend section 2106(b) of title 38, U.S.C., to increase the maximum amount of insurance that may be purchased under the VMLI program from the current maximum of $90,000 to $150,000 effective on October 1, 2012. The maximum amount would then increase from $150,000 to $200,000 on January 1, 2012.

**House Bill**

The House Bills contain no comparable provision.

**Compromise Agreement**

Section 407 of the Compromise Agreement follows the Senate Bill, except that the provision would take effect on October 1, 2011.

**EXPANSION OF INDIVIDUALS QUALIFYING FOR RETROACTIVE BENEFITS FROM TRAUMATIC INJURY PROTECTION COVERAGE UNDER SERVICEMEMBERS’ GROUP LIFE INSURANCE**

**Current Law**

Under current law, TSGLI provides coverage against qualifying losses incurred as a result of a traumatic injury. In the event of a loss, VA will pay between $25,000 and $100,000 depending on the severity of the qualifying loss. TSGLI went into effect on December 1, 2005, in order to provide assistance to those servicemembers suffering traumatic injuries on or before October 7, 2001, and November 30, 2005. Retroactive TSGLI payments were authorized under section 101(b) of Public Law 109–233, the Veterans Housing Opportunity Benefits Improvement Act of 2006, this definition was amended to allow retroactive payments to individuals whose qualifying losses were sustained as a “direct result of a traumatic injury incurred in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom.” Men and women who were determined as a “direct result of a traumatic injury incurred in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom” under section 501(b) of Public Law 109–233, the Veterans Housing Opportunity Benefits Improvement Act of 2006, this definition was amended to allow retroactive payments to individuals whose qualifying losses were sustained as a “direct result of a traumatic injury incurred in the theater of operations for Operation Enduring Freedom and Operation Iraqi Freedom.”

**Senate Bill**

Section 106 of H.R. 3219, as amended, would amend section 501(b) of Public Law 109–233 so as to remove the requirement that limits retroactive TSGLI payments to those who served in the Operation Iraqi Freedom (OIF) or Operation Enduring Freedom (OEF) theaters of operation. Thus, this section of the Compromise Agreement would authorize retroactive TSGLI payments for qualifying traumatic injuries incurred on or after October 7, 2001, but before December 1, 2005, irrespective of where the injuries occurred.

**House Bill**

The House Bills contain no comparable provision.

**Compromise Agreement**

Section 408 of the Compromise Agreement follows the Senate Bill, except that the provision would take effect on October 1, 2011.

**TITLE V—BURIAL AND CEMETERY MATTERS INCREASE IN CERTAIN BURIAL AND FUNERAL BENEFITS AND PLOT ALLOWANCES FOR VETERANS’ CURRENT LAW**

Under current law, VA will pay up to $300 toward the funeral and burial costs of veterans who die while receiving care at certain VA facilities. In addition, VA will pay a $300 plot allowance when a veteran is buried in a cemetery not under U.S. government jurisdiction if: the veteran was discharged from active duty because of a disability incurred or aggravated in the line of duty; the veteran was receiving compensation or pension, or would have been if he/she was not receiving
military retired pay; or the veteran died in a VA facility. The plot allowance may be paid to the State for the cost of a plot or interment in a State-owned cemetery reserved solely for veteran burials if the veteran was buried without charge.

**Senate Bill**

Section 501 of H.R. 1037, as amended, would increase payments for funeral and burial expenses for the case of individuals who die in VA facilities and for plot allowances up to $745 and would increase this amount annually by a cost-of-living adjustment. These increases would be effective for deaths occurring on or after October 1, 2010, but no cost-of-living adjustment would be paid in fiscal year 2011.

**House Bill**

The House Bills contain no comparable provision.

**Compromise Agreement**

Section 501 of the Compromise Agreement would increase the amount paid for the burial and funeral of a veteran who dies in a VA facility, including the plot allowance for a deceased veteran who is eligible for burial at a national cemetery from $300 to $700, effective October 1, 2011. It would further direct the Secretary of Veterans Affairs to provide an annual percentage increase in relation to the Consumer Price Index. Finally, the Compromise Agreement would provide that no cost-of-living increases are to be made to these benefits in fiscal year 2012.

**INTERMENT IN NATIONAL CEMETERIES OF PARENTS OF CERTAIN DECEASED VETERANS**

**Current Law**

Under section 2402(5) of title 38, U.S.C., certain spouses, surviving spouses, and minor children of servicemembers and veterans who are eligible for burial in national cemeteries are eligible to be interred in national cemeteries.

**Senate Bill**

The Senate Bills contain no comparable provision.

**House Bill**

Section 503 of H.R. 3949, the Corey Shea Security Act, would increase the allowance to provide space-available burial to qualifying parents in the gravesite of their deceased son or daughter who, on or after October 7, 2001, died in the line of duty and/or died of a combat-related training injury and who has no other eligible survivors as identified under section 2402(5) of title 38, U.S.C. The term parent would mean the biological mother or father or, in the case of adoption, the adoptive mother or father.

**Compromise Agreement**

Section 502 of the Compromise Agreement follows the House Bill.

**REPORTS ON SELECTION OF NEW NATIONAL CEMETERIES**

**Current Law**

Current law contains no relevant provision.

**Senate Bill**

The Senate Bills contain no comparable provision.

**House Bill**

H.R. 174 would direct VA to establish a national cemetery for veterans in the Southern Colorado area.

**Compromise Agreement**

Section 503 of the Compromise Agreement would require VA, not later than one year following the date of enactment, to report to Congress on the selection and construction of five new national cemeteries in areas in Southern Colorado; Melbourne and Daytona, Florida; Rochester and Buffalo, New York; Tallahassee, Florida; and Omaha, Nebraska. The Secretary would be required to solicit the advice and views of State and local veterans organizations. The report would be required to include a schedule for the establishment of and the funds available for each such cemetery. The Compromise Agreement would further require annual reports to be submitted to Congress until the completion of the cemeteries.

**TITLE VI—COMPENSATION AND PENSION ENHANCEMENT OF DISABILITY COMPENSATION FOR CERTAIN DISABLED VETERANS WITH DURING MILITARY TRAINING INJURY AND DISABLED VETERANS IN NEED OF REGULAR AID AND ATTENDANCE FOR RESIDUALS OF TRAUMATIC BRAIN INJURY**

**Current Law**

Currently, under subsections (a) through (j) of section 1114 of title 38, U.S.C., VA pays disability compensation to a veteran based on the rating assigned to the veteran’s service-connected disabilities. Under subsections (m), (n), and (o) of section 1114, higher levels of monthly compensation are paid to veterans with severe disabilities if certain criteria are satisfied. For compensation under section 1114(n) include “the anatomical loss . . . of both legs at a level, or with complications, preventing natural knee action in place another; or ‘the anatomical loss . . . of one arm and one leg at levels, or with complications, preventing natural elbow and knee action with prostheses in place.” The criteria for compensation under section 1114(m) include “the anatomical loss . . . of both arms at levels, or with complications, preventing natural shoulder action with prostheses in place”.” The criteria for compensation under section 1114(o) include “the anatomical loss of both arms so near the shoulder as to prevent the use of prosthetic appliances.”

Currently, the monthly compensation under subsections (a) through (j) of section 1114 ranges from $125 per month for a single veteran with no dependents rated 10 percent to $2,673 per month for the same veteran rated 100 percent. Under section 1114(e)(2), VA provides a higher level of compensation, currently $3,327 per month for a single veteran, if the veteran is “in need of regular aid and attendance.” A veteran who requires regular aid and attendance may be entitled to an additional $2,002 per month, under section 1114(r)(1) of title 38, U.S.C., if the veteran suffers from severe service-connected physical disabilities. Also, under section 1114(r)(2), a higher level of aid and attendance compensation, currently an additional $2,983 per month, is provided to certain veterans with service-connected disabilities who need “a higher level of care” in addition to regular aid and attendance. Under section 1114(r)(2), this higher level of compensation generally is provided only to a veteran who has suffered a severe anatomical loss, who needs “health-care services provided on a daily basis in the veteran’s home,” and who would require institutionalization in the absence of that care.

**Senate Bill**

Section 205(a) of H.R. 1037, as amended, would add a new subsection (k) to section 1114, which would provide that, if a veteran is in need of regular aid and attendance due to the residuals of traumatic brain injury, is not eligible for compensation under section 1114, and, in the absence of regular aid and attendance, would require institutional care, the veteran will be entitled to a monthly aid and attendance allowance equivalent to the allowance provided under section 1114(r)(2).

**House Bill**

The House Bills contain no comparable provision.

**Compromise Agreement**

Section 601 of the Compromise Agreement follows the Senate Bill.

**COST-OF-LIVING INCREASE FOR TEMPORARY DEPENDENCY AND INDEMNITY COMPENSATION PAYABLE FOR SURVIVING SPOUSES WITH DEPENDENT CHILDREN UNDER THE AGE OF 18**

**Current Law**

Under section 1310 of title 38, U.S.C., VA provides dependency and indemnity compensation (DIC) to a surviving spouse if a veteran’s death resulted from: (1) a disease or injury incurred or aggravated in the line of duty while on active duty or active duty for training; (2) an injury suffered as a result of his or her aggravation in the line of duty while on inactive duty for training; or (3) a service-connected disability or a condition directly related to a service-connected disability.

**Senate Bill**

Section 301 of Public Law 108–454, the Veterans Benefits Improvement Act of 2004, amended section 1114(r)(2) of title 38, U.S.C., to authorize VA to pay a $250 per month temporary benefit to a surviving spouse with one or more children below the age of 18, during the 2 years following the date on which entitlement to DIC began. This provision was enacted in response to a May 2001 program evaluation report recommendation on the need for enhanced DIC.

**House Bill**

Section 201 of H.R. 1037, as amended, would amend section 1311(f) of title 38, U.S.C., by authorizing a permanent, automatic, cost-of-living adjustment to the temporary DIC payment so that the value of the benefit does not erode over time.

This cost-of-living increase would occur where there is an increase in benefit amounts payable under title II of the Social Security Act, section 401 et seq., title 42, U.S.C.

**Compromise Agreement**

Section 602 of the Compromise Agreement follows the Senate bill.

**PAYMENT OF DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVORS OF FORMER PRISONERS OF WAR WHO DIED ON OR BEFORE SEPTEMBER 30, 1999**

**Current Law**

Under chapter 13 of title 38, U.S.C., DIC is paid to the surviving spouse or children of a veteran when the veteran’s death is a result of a service-connected disability. In addition, VA provides DIC to the surviving spouses and children of veterans who have died after service from a non-service-connected disability if the veteran had been totally disabled by a service-connected disability for a continuous period of 10 or more years immediately preceding death or for a continuous period of at least 5 years after the veteran’s release from service.

Prior to Public Law 106–117, the Veterans Millennium Health Care Benefits Act,
the survivors of former Prisoners of War (POWs) were eligible for DIC under the same rules as all other survivors. Section 501 of Public Law 106-117 extended eligibility for DIC to the survivors of former POWs who died after September 30, 1999, from non-service-connected causes if the former POWs were totally disabled due to a service-connected condition for a period of 1 or more years, rather than 10 or more years, immediately prior to death.

**Senate Bill**

Section 208 of H.R. 1037, as amended, would amend section 131(b)(3) of title 38, U.S.C., to make all survivors of former POWs eligible for DIC if the veteran died from non-service-connected causes and was totally disabled due to a service-connected condition for a period of 1 or more years immediately prior to death, without regard to date of death.

House Bill

The House Bills contain no comparable provision.

**Compromise Agreement**

Section 603 of the Compromise Agreement follows the Senate bill.

**EXCLUSION OF CERTAIN AMOUNTS FROM CONSIDERATION AS INCOME FOR PURPOSES OF VETERANS' PENSION BENEFITS**

Under section 15 of title 38, U.S.C., VA is authorized to pay pension benefits to wartime veterans who have limited or no income, and who are ages 65 or older, or, if under 65, who are permanently and totally disabled.

When calculating annual income for purposes of these pension benefits, section 1503 of title 38, U.S.C., authorizes VA to include income received by the veteran and from most sources. However, certain sources of income, such as donations from public or private relief or welfare organizations, are not taken into account.

**Senate Bill**

The Senate Bills contain no comparable provision.

**House Bill**

The House Bills contain no comparable provision.

**Compromise Agreement**

Section 604 of the Compromise Agreement would exclude, for purposes of determining income eligibility, any income paid to a veteran from a State or municipality, if the benefit was paid due to the veteran’s injury or disease.

**COMMENCEMENT OF PERIOD OF PAYMENT OF ORIGINAL AWARDS OF COMPENSATION FOR VETERANS RETIRED OR SEPARATED FROM THE UNIFORMED SERVICES FOR CATASTROPHIC DISABILITY**

Under section 5110(b)(1) of title 38, U.S.C., if a veteran files a claim for VA disability compensation within 1 year after being discharged from military service, the effective date of an award of service connection will be the day after the date of discharge. However, under section 5111(a) of title 38, U.S.C., the effective date for payment of compensation based on that award will not be until the first day of the month following the month in which the service-connection award is effective.

**Senate Bill**

Section 206 of H.R. 1037, as amended, would amend section 5111 of title 38, U.S.C., to provide that, if a veteran is retired from the military for a catastrophic disability or disabilities, payment of disability compensation based on an original claim for benefits will be made as of the date on which the award of compensation becomes effective. “Catastrophic disability” would be defined as a permanent, severely disabling injury, disorder, or disease that compromises the ability of the veteran to carry out the activities of daily living to such a degree that the veteran requires personal or mechanical assistance to leave home or bed, or requires constant supervision to avoid physical harm to self or others.

**House Bill**

The House Bills contain no comparable provision.

**Compromise Agreement**

Section 605 of the Compromise Agreement follows the Senate Bill.

**APPLICABILITY OF LIMITATION TO PENSION PAYABLE TO CERTAIN CHILDREN OF VETERANS OF A PERIOD OF WAR**

Under current law, a veteran with no dependents who is entitled to receive pension under section 1521 of title 38, U.S.C., cannot be paid more than $30 per month if the veteran is in a nursing facility where services are covered by a Medicaid plan. In instances where a veteran’s surviving spouse is entitled to receive pension under section 1541 of title 38, U.S.C., the surviving spouse cannot be paid more than $90 per month if the surviving spouse has no dependents and is in a nursing facility where services are covered by a Medicaid plan. The $90 pension benefit may not be counted in determining eligibility for Medicaid or the patient’s share of cost.

Under section 104(a)(4)(A) of title 38, U.S.C., a child is defined as a person who is unmarried and under the age of 18 years; before reaching the age of 18 years, became permanently incapable of self-support; or, after attaining the age of 18 years and until completion of education or training, but not after attaining the age of 23 years, is pursuing a course of instruction at an approved educational institution. Such a child is entitled to pension under section 1542 of title 38, U.S.C., if the income of the child is less than the statutory benefit amount payable to the child. If such a child is admitted to a nursing facility where services are covered by a Medicaid plan, the pension benefits for the child are not currently reduced to $90.

**House Bill**

Section 207 of H.R. 1037, as amended, would amend section 5503 of title 38, U.S.C., so that adult-disabled children of veterans who receive pension under section 1541 of title 38, U.S.C., and are covered by a Medicaid plan while residing in nursing homes, would have their pension benefits reduced in the same manner as veterans and surviving spouses.

**Senate Bill**

Section 207 of the Compromise Agreement follows the Senate Bill.

**EXTENSION OF REDUCED PENSION FOR CERTAIN VETERANS COVERED BY MEDICAID PLANS FOR SERVICES FURNISHED BY NURSING FACILITIES**

Under current law, section 5312 of title 38, U.S.C., whenever there is an increase inbenefits payable under title II of the Social Security Act, VA automatically increases pension benefits by the same percentage increase.

**Senate Bill**

The Senate Bills contain no comparable provision.

**House Bill**

The House Bills contain no comparable provision.

**Compromise Agreement**

Section 606 of the Compromise Agreement codifies current pension rates for disabled veterans and surviving spouses and children.

**Current Law**

Under current law, section 4311(a) of title 38, U.S.C., employers may not deny any “employment” to employees or applicants on the basis of membership in the uniformed services, application for service, performance of service, or service obligation. However, the U.S. Court of Appeals for the Eighth Circuit held in 2002 that USERRA does not prohibit wage discrimination because “wages or salary for work performed” is specifically excluded from the law’s definition of “benefit of employment.” Gagnon v. Sprint Corp., 284 F.3d 839, 853 (8th Cir. 2002).

**Senate Bill**

Section 403 of H.R. 1037, as amended, would amend section 4303(2) of title 38, U.S.C., to make it clear that wage discrimination is not permitted under USERRA.

**House Bill**

The House Bills contain no comparable provision.

**Compromise Agreement**

Section 701 of the Compromise Agreement follows the Senate Bill.

**ClARIFICATION OF THE DEFINITION OF “SUCCESSOR IN INTEREST”**

Current Law

Section 4303 of title 38, U.S.C., uses a broad definition of the term “employer” and includes in subsection (4)(A)(iv) a definition of
a “successor in interest.” In regulations, the Department of Labor has provided that an employer is a “successor in interest” where there is a substantial continuity in operations, facilities, and workforce from the former employer. It further stipulates that the determination of whether an employer is a successor in interest must be made on a case-by-case basis using a multifactor test (20 C.F.R. §1002.35). One Federal court, however, in a decision made prior to the promulgation of the regulation, held that an employer could not be a successor in interest unless there was a merger or transfer of assets from the first employer to the second. (See Coffman v. Chugach Support Services Inc., 129 F.3d 1292 (9th Cir. 2000); but see Murphee v. Communications Technologies, Inc., 460 F. Supp. 2d 702 (E.D. La 2006) applying 20 C.F.R. §1002.35 and rejecting the Coffman merger or transfer of assets requirement.)

Senate Bill
Section 402 of H.R. 1037, as amended, would amend section 3732 of title 38, U.S.C., to clarify the definition of “successor in interest” by incorporating language that mirrors the regulatory definition adopted by the Department of Labor.

House Bill
The House Bills contain no comparable provision.

Compromise Agreement
Section 702 of the Compromise Agreement follows the Senate bill.

TECHNICAL AMENDMENTS

Senate Bill
Section 406 of H.R. 1037, as amended, would make three technical and conforming changes to various provisions of law in order to correct cross references to various USERRA provisions contained in chapter 43 of title 38, U.S.C., and clarify existing language in the USERRA.

House Bill
The House Bills contain no comparable provision.

Compromise Agreement
Section 703 of the Compromise Agreement follows the Senate bill.

TITLE VIII—BENEFITS MATTERS

INCREASE IN NUMBER OF VETERANS FOR WHICH LOANS ARE AVAILABLE

Current Law
Section 323(e) of title 38, U.S.C., authorizes VA to initiate a program of independent living services for no more than 2,600 service-connected disabled veterans in each fiscal year.

Senate Bill
Section 301 of H.R. 1037, as amended, would eliminate the annual cap on the number of service-connected disabled veterans who may enroll in a program of independent living.

House Bill
The House Bills contain no comparable provision.

Compromise Agreement
Section 801 of the Compromise Agreement would increase to 2,700 the number of veterans who may initiate a program of independent living services in any fiscal year.

PAYMENT OF UNPAID BALANCES OF DEPARTMENT OF VETERANS AFFAIRS GUARANTEED LOANS

Current Law
Under current law, section 3732 of title 38, U.S.C., provides several different procedures for VA home loans and illustrates the actions VA may take to preserve the loan before suit or foreclosure. However, it does not address what would occur in the event an individual files for bankruptcy and a loan is modified under the authority provided under section 1322(b) of title 11.

Senate Bill
Section 304 of H.R. 1037, as amended, would amend section 3732(a)(2) by adding a new subparagraph that would authorize additional liquidation or retaking of property in the event that a VA home loan is modified under the authority provided under section 1322(b) of title 11. This new authority would allow VA to pay the holder of the obligation the unpaid balance of the obligation, plus accrued interest, due as of the date of the filing of the petition under title 11, but only upon the assignment, transfer, and delivery to VA in a form and manner satisfactory to VA of all rights, interest, claims, evidence, and records with respect to the housing loan.

House Bill
The House Bills contain no comparable provision.

Compromise Agreement
Section 804 of the Compromise Agreement would generally follow the Senate Bill. However, the amount of the allowance was increased to $18,900 instead of $22,500. This allowance would be adjusted October 1 of each year, beginning in 2011, by a percentage equal to the percentage by which the Consumer Price Index for all urban consumers (for all items weighted average) during the 12-month period ending with the last month for which Consumer Price Index data is available. If the Consumer Price Index does not increase, the amount of the allowance will remain the same as the previous fiscal year.

NATIONAL ACADEMIES REVIEW OF BEST TREATMENTS FOR GULF WAR ILLNESS

Current Law
Current law contains no relevant provision.

Senate Bill
Section 601 of H.R. 1037, as amended, would require VA to contract with the Institute of Medicine to gather a group of medical professionals, who are experienced in treating individuals diagnosed with Gulf War Illness, in order to conduct a comprehensive review of the best treatments for this illness. The individuals these medical professionals must have experience treating must have served during the Persian Gulf War in the Southwestern Asia theater of operations, or in Afghanistan, Iraq, or any other theater in which the Global War on Terrorism Expeditionary Medal is awarded for service.

The final report on the review required by this section must be submitted to VA and the House and Senate Committees on Veterans’ Affairs by December 31, 2011, and include recommendations for legislative or administrative actions as the Institute of Medicine considers appropriate in light of the results of that review.

House Bill
The House Bills contain no comparable provision.

Compromise Agreement
Section 805 of the Compromise Agreement generally follows the Senate Bill except that the final report is due to the Committees by December 31, 2012, and the term “chronic multisymptom illness” replaces the term “Gulf War Illness.”

EXTENSION AND MODIFICATION OF NATIONAL ACADEMY OF SCIENCES REVIEWS AND EVALUATIONS ON ILLNESS AND SERVICE IN PERSIAN GULF WAR AND POST 9/11 GLOBAL OPERATIONS THEATERS

Current Law
Public Law 105-277, the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, required VA to enter into an agreement with the National Academy of Sciences to review and evaluate the availability of scientific evidence regarding associations between illnesses and exposure to toxic agents, environmental or wartime hazards, or preventive medicines or vaccines associated with Persian Gulf War service. Congress extended these reviews and evaluations in Public Law 107-105, the Veterans Education and Benefits Expansion Act of 2001. This requirement will expire on October 1, 2010.

Public Law 105-368, the Veterans Programs Enhancement Act of 1998, required the National Academy of Sciences to examine the scientific and medical literature on the potential health effects of chemical and biological agents related to the 1991 Gulf War. The requirement for this examination ended in 2009.

Senate Bill
Section 602 of H.R. 1037, as amended, would extend until October 1, 2015, the mandate for
the National Academy of Sciences to review and evaluate scientific evidence regarding associations between illnesses and exposure. Section 602(b) would extend until October 1, 2018, the requirement for the National Academy of Sciences to report on the health effects of exposure.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 806 of the Compromise Agreement generally follows the Senate Bill except that it requires the disaggregation of results by theaters of operations before and after September 11, 2001.

EXTENSION OF AUTHORITY FOR REGIONAL OFFICE IN REPUBLIC OF THE PHILIPPINES

Current Law

Current law, section 315(b) of title 38, U.S.C., authorizes VA to maintain a regional office in the Republic of the Philippines until December 31, 2010. Congress has periodically extended this authority, most recently in Public Law 111–117, the Consolidated Appropriations Act, 2010.

Senate Bill

Section 303 of H.R. 1937, as amended, would authorize VA to maintain a regional office in the Republic of the Philippines until December 31, 2011.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 807 of the Compromise Agreement follows the Senate Bill, and adds that within one year, the Comptroller General would be required to provide a report to the House and Senate Committees on Veterans’ Affairs and Appropriations on the activities of the Manila Regional Office. This report would also include an assessment of the costs and benefits of maintaining the office in the Philippines in comparison with moving the activities of the office to the United States.

EXTENSION OF ANNUAL REPORT TO VA ON EQUITABLE RELIEF

Current Law

Under current law, VA is authorized to provide monetary relief to persons whom the Secretary determines were deprived of VA benefits by reason of administrative error by a federal government employee. The Secretary may also provide relief which the Secretary determines is equitable to a VA beneficiary who has suffered a loss as a consequence of an erroneous decision made by a federal government employee. No later than April 1 of each year, the Secretary was required to submit to Congress a report containing a statement as to the disposition of each case recommended to the Secretary for equitable relief during the preceding calendar year; the requirement for this report was extended through December 31, 2008, by Public Law 109–223, the Veterans’ Housing Opportunity and Benefits Improvement Act of 2006.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

The Compromise Agreement extends the requirement for the report on equitable relief through December 31, 2014.

AUTHORITY FOR THE PERFORMANCE OF MEDICAL DISABILITY EXAMINATIONS BY CONTRACT PHYSICIANS

Current Law

In 1996, in Public Law 104–275, the Veterans’ Benefits Improvements Act of 1996, VA was authorized to carry out a pilot program of contract disability examinations through ten VA regional offices using amounts available for payment of compensation and pensions. During the initial pilot program, one contractor performed all contract examinations at the ten selected regional offices.

Subsequently, in 2003, in Public Law 108–183, the Veterans Benefits Act of 2003, VA was given additional, time-limited authority to contract for disability examinations using other appropriated funds. That initial authority was extended until December 31, 2010, by Public Law 110–389, the Veterans’ Benefits Improvement Act of 2008. VA continues to report high demand for compensation and pension examinations and satisfaction with the contracted examinations.

Senate Bill

Section 3909 would extend VA’s authority, through December 31, 2012, to use appropriated funds for the purpose of contracting with non-VA providers to conduct disability examinations. The examinations would be conducted pursuant to contracts entered into and administered by the Under Secretary for Benefits.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 809 of the Compromise Agreement follows the Senate Bill.

TITLE IX—AUTHORIZATION OF MEDICAL FACILITY PROJECTS AND MAJOR MEDICAL FACILITY LEASES

AUTHORIZATION OF FISCAL YEAR 2011 MAJOR MEDICAL FACILITY LEASES

Current Law

Current law contains no relevant provision.

Senate Bill

Section 303 of S. 3325, as amended, would authorize fiscal year 2011 major medical facility leases as follows:

- $114,000,000 for a Community Based Outpatient Clinic (CBOC) in Billings, Montana.
- $3,316,000 for an Outpatient Clinic in Boston, Massachusetts.
- $21,495,000 for a CBOC in San Diego, California.
- $10,055,000 for a Research Lab in San Francisco, California.
- $5,323,000 for a Mental Health Facility in San Juan, Puerto Rico.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 901 of the Compromise Agreement follows the Senate Bill.

MODIFICATION OF AUTHORIZATION AMOUNT FOR MAJOR MEDICAL FACILITY CONSTRUCTION PROJECT PREVIOUSLY AUTHORIZED FOR THE DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, NEW ORLEANS, LOUISIANA

Current Law

Current law contains no relevant provision.

Senate Bill

Section 201 of S. 3325, as amended, authorizes up to $995,000,000 for restoration, new construction, or replacement of the medical care facility for the VA Medical Center (VAMC) at New Orleans, Louisiana.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 902 of the Compromise Agreement modifies previous authorizations by providing $995,000,000 for restoration, new construction, or replacement of the medical care facility for the VAMC at New Orleans, Louisiana.

MODIFICATION OF AUTHORIZATION AMOUNT FOR MAJOR MEDICAL FACILITY CONSTRUCTION PROJECT PREVIOUSLY AUTHORIZED FOR THE DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, LONG BEACH, CALIFORNIA

Current Law

Current law contains no relevant provision.

Senate Bill

Section 202 of S. 3325, as amended, authorizes up to $117,845,000 to conduct seismic corrections on Buildings 7 and 126 at the VAMC in Long Beach, California.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 903 of the Compromise Agreement modifies previous authorizations by providing $117,845,000 to conduct seismic corrections on Buildings 7 and 126 at the VAMC in Long Beach, California.

AUTHORIZATION OF APPROPRIATIONS

Current Law

Current law contains no relevant provision.

Senate Bill

Section 304 of S. 3325, as amended, authorizes $47,383,000 to be appropriated to the Medical Facilities account for the leases authorized in section 901 and $1,112,845,000 to be appropriated to the Construction, Major Projects account for the projects authorized in sections 902 and 903.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 904 of the Compromise Agreement generally follows the Senate Bill.

REQUIREMENT THAT BID SAVINGS ON MAJOR MEDICAL FACILITY PROJECTS OF DEPARTMENT OF VETERANS AFFAIRS BE UPLOADED TO THE BID SAVINGS DATABASE FOR OTHER MAJOR MEDICAL FACILITY CONSTRUCTION PROJECTS OF THE DEPARTMENT

Current Law

Current law contains no relevant provision.

Senate Bill

Section 207 of S. 3325, as amended, contains a provision that requires that bid savings from major medical facility projects realized in any fiscal year must be used for major medical facility projects authorized for that fiscal year or a prior year. At the time of obligation, VA would be required to submit to the Committees on Veterans’ Affairs and Appropriations of the Senate and the House of Representatives notice of the source of the savings, the amount obligated, and the authorized project the savings are being obligated to.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 905 of the Compromise Agreement follows the Senate Bill.

TITLE X—OTHER MATTERS

TECHNICAL CORRECTIONS

Current Law

Current law contains no relevant provision.
The amendment (No. 4671) was agreed to.

(The amendment is printed in today’s RECORD under “Text of Amendments.”)

The amendment was ordered to be engrossed and the bill, as amended, read a third time.

The bill (H.R. 3219) was read the third time and passed.

The amendment (No. 4672) was agreed to, as follows:

(Purpose: to amend the title)

Amend the title so as to read: “An Act to amend title 38, United States Code, and the Servicemembers Civil Relief Act to make certain improvements in the laws administered by the Secretary of Veterans Affairs, and for other purposes.”

60TH ANNIVERSARY OF THE FULBRIGHT PROGRAM IN THAILAND

Mr. DURBIN. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 408, S. Res. 469.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk reads as follows:

A resolution (S. Res. 469) recognizing the 60th Anniversary of the Fulbright Program in Thailand.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

FEED AMERICA DAY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of and the Senate now proceed to the consideration of S. Res. 646.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk reads as follows:

A resolution (S. Res. 646) designating Thursday, November 18, 2010, as “Feed America Day.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 646) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 646

Whereas Thanksgiving Day celebrates the spirit of selfless giving and an appreciation for family and friends;

Whereas the spirit of Thanksgiving Day is a virtue upon which the United States was founded;

Whereas, according to the Department of Agriculture, roughly 35,000,000 people in the United States, including 12,000,000 children, continue to live in households that do not have an adequate supply of food; and

Whereas selfless sacrifice breeds a genuine spirit of thanksgiving, both affirming and restoring fundamental principles in our society: Now, therefore, be it

Resolved, That the Senate encourages the people of the United States to sacrifice 2 meals on Thursday, November 18, 2010, as “Feed America Day”; and

Resolved, That the Senate encourages the people of the United States to sacrifice 2 meals on Thursday, November 18, 2010, as “Feed America Day.”

WHEREAS 800 Fulbright grantees from the United States conducted research or gave lectures in Thailand from 1951 through 2008;

WHEREAS active consideration is being given to increasing the emphasis of the Fulbright Program in southern Thailand, including through the Fulbright English Teaching Assistantship Program; and

WHEREAS the United States Government supports additional programs in Thailand in the areas of education, democracy promotion, good governance, and public diplomacy; Now, therefore, be it

Resolved, That the Senate encourages the President to maintain and expand interaction with the Kingdom of Thailand in ways which facilitate close coordination and partnership in the areas of education and cultural exchange throughout all of Thailand, including the southern provinces.

The amendment (No. 4671) was agreed to.

The amendment was ordered to be engrossed and the bill, as amended, read a third time;

The bill (H.R. 3219) was read the third time; and the motions to reconsider be laid upon the table, with no intervening action or debate; and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, this is the Statement of Budgetary Effects of PAYGO legislation for H.R. 3219, as amended.

Total Budgetary Effects of H.R. 3219 for the 5-year Statutory PAYGO Scorecard: net decrease in the deficit of $394 million.

Total Budgetary Effects of H.R. 3219 for the 10-year Statutory PAYGO Scorecard: net decrease in the deficit of $8 million.

Also submitted for the RECORD as part of this statement is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this Act, as follows:

The resolution (S. Res. 646) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 469

Whereas the Fulbright Program is sponsored by the Bureau of Educational and Cultural Affairs of the Department of State; and

Whereas the Fulbright Program currently operates in over 150 countries; whereas Thailand–United States Educational Foundation (TUSEF) was established by a formal agreement in 1969; whereas 2010 is the 60th anniversary of the Fulbright Program partnership with the Kingdom of Thailand; whereas approximately 1,600 Fulbright students and scholars from Thailand have studied, conducted research, or lectured in the United States; whereas 800 Fulbright grantees from the United States conducted research or gave lectures in Thailand from 1951 through 2008; whereas active consideration is being given to increasing the emphasis of the Fulbright Program in southern Thailand, including through the Fulbright English Teaching Assistantship Program; and whereas the United States Government supports additional programs in Thailand in the areas of education, democracy promotion, good governance, and public diplomacy; now, therefore, be it

Resolved, That the Senate encourages the President to maintain and expand interaction with the Kingdom of Thailand in ways which facilitate close coordination and partnership in the areas of education and cultural exchange throughout all of Thailand, including the southern provinces.

By fiscal year, in millions of dollars—

<table>
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<th>Fiscal Year</th>
<th>Net Increase or Decrease ((\Delta)) in the Deficit</th>
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<td>115</td>
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<tr>
<td>2025</td>
<td>70</td>
</tr>
</tbody>
</table>


The resolution, with its preamble, reads as follows:
RESOLUTIONS SUBMITTED TODAY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of the following resolutions, which were submitted earlier today: S. Res. 652, S. Res. 653, S. Res. 654, S. Res. 655, S. Res. 656, S. Res. 657, S. Res. 658, S. Res. 659, S. Res. 660, and S. Res. 661.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table en bloc, with no intervening action or debate, and any statements relating to the resolutions be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING MR. ALFRED LIND

Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table en bloc, with no intervening action or debate, and any statements relating to the resolutions be printed in the RECORD.

The resolution, with its preamble, reads as follows:

WHEREAS Mr. Alfred Lind served in World War II from 1942 to 1945 as a member of the 58th Armored Field Artillery Battalion;

WHEREAS Mr. Lind was wounded in action near Brolo, Sicily when his M-7 self-propelled howitzer was hit during a tank battle;

WHEREAS Mr. Lind was captured and held as a prisoner of war, and for his tireless efforts on behalf of other members of the Armed Forces touched by war was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 652

WHEREAS Mr. Alfred Lind for his dedicated service to the United States of America during World War II as a member of the Armed Forces, and as a prisoner of war, and for his tireless efforts on behalf of other members of the Armed Forces touched by war was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 653

WHEREAS, since World War II, hundreds of thousands of men and women, including uranium miners, millers, and haulers, have served the United States by building the nuclear defense weapons of the United States; and

WHEREAS these dedicated workers paid a high price for their service, and sacrificed nuclear weapons program workers, including uranium miners, millers, and haulers, of the United States; and

WHEREAS in 2009, Congress recognized the contribution, service, and sacrifice of these patriotic men and women for the defense of the United States; and

WHEREAS, in the year prior to the approval of this resolution, a national day of remembrance time capsule has been crossing the United States, reflecting the stories of the nuclear workers relating to the nuclear defense era of the United States; whereas these stories and artifacts reinforce the importance of recognizing these nuclear workers; and

WHEREAS these patriotic men and women deserve to be recognized for the contributions, service, and sacrifice they have made for the defense of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 30, 2010, as "Gold Star Wives Day";

(2) honors and recognizes—

(A) the contributions of the members of the Gold Star Wives of America, Inc. to the military and veterans of the Armed Forces of the United States; and

(B) the dedication of the members of the Gold Star Wives of America, Inc. to the members and veterans of the Armed Forces of the United States; and

(3) encourages the people of the United States to observe "Gold Star Wives Day" to promote awareness of—

(A) the contributions and dedication of the members of the Gold Star Wives of America, Inc. to the military and veterans of the Armed Forces of the United States; and

(B) the important role the Gold Star Wives of America, Inc. plays in the lives of the spouses and families of the fallen members and veterans of the Armed Forces of the United States.

STOMACH CANCER AWARENESS MONTH

The resolution, with its preamble, reads as follows:

S. Res. 655

WHEREAS stomach cancer is one of the most difficult cancers to detect and treat in the early stages of the disease, which contributes to high mortality rates and human suffering;

WHEREAS stomach cancer is the second leading cause of cancer mortality worldwide;

WHEREAS, in 2010, an estimated 21,000 new cases of stomach cancer were diagnosed in the United States; and

WHEREAS, in 2009, an estimated 10,000 Americans will die from stomach cancer;

WHEREAS the estimated 5-year survival rate for stomach cancer is only 26 percent;

WHEREAS approximately 1 in 113 individuals will be diagnosed with stomach cancer in their lifetimes;

WHEREAS an inherited form of stomach cancer carries a 67 to 83 percent risk that an individual will be diagnosed with stomach cancer by age 80;

WHEREAS, in the United States, stomach cancer is more prevalent among racial and ethnic minorities;

WHEREAS better patient and health care provider education is needed for the timely recognition of stomach cancer risks and symptoms;

WHEREAS more research into effective early diagnosis, screening, and treatment for stomach cancer is needed; and

WHEREAS November 2010 is an appropriate month to observe "Stomach Cancer Awareness Month"; Now, therefore, be it

Resolved, That the Senate—

(1) designates November 2010 as "Stomach Cancer Awareness Month";

(2) recognizes—

(A) the importance of early detection and effective treatment for stomach cancer; and

(B) the need for increased research into the causes of stomach cancer and the development of more effective screening and treatment methods.
EXPRESSING SUPPORT FOR THE INAUGURAL USA SCIENCE & ENGINEERING FESTIVAL

The resolution (S. Res. 656) expressing support for the inaugural USA Science & Engineering Festival was agreed to. The preamble was agreed to. The resolution, with its preamble, reads as follows:

S. Res. 656

Whereas the global economy of the future will require a workforce that is educated in the fields of science, technology, engineering, and mathematics (referred to in this preamble as "STEM")

Whereas a new generation of American students educated in STEM is crucial to ensure continued economic growth;

Whereas advances in technology have resulted in significant improvements in the daily lives of the people of the United States;

Whereas biomedical discoveries are critical to curing diseases, solving global challenges, and expanding our understanding of the world;

Whereas strengthening the interest of American students, particularly young women and underrepresented minorities, in STEM education is necessary to maintain the global competitiveness of the United States;

Whereas countries around the world have held science festivals that have brought together hundreds of thousands of visitors to celebrate science;

Whereas the inaugural 2009 San Diego Science Festival attracted more than 500,000 participants and inspired a national STEM effort;

Whereas the mission of the USA Science & Engineering Festival is to revitalize the interest of the people of the United States in STEM by producing exciting and educational science and engineering gatherings; and

Whereas thousands of individuals from universities, museums and science centers, STEM professional societies, educational societies, government agencies and laboritories, community organizations, K-12 schools, volunteers, corporate and private sponsors, and nonprofit organizations have come together to organize the USA Science & Engineering Festival across the United States, including a 2-day exposition on the National Mall that will feature more than 1,500 hands-on activities and more than 75 stage shows.

Resolved, That the Senate—

(1) recognizes the need for additional research into early diagnosis and treatment for stomach cancer; and

(2) encourages the people of the United States and organizations to observe and support November 2010 as "Stomach Cancer Awareness Month" through appropriate programs and activities to promote public awareness of, and potential treatments for, stomach cancer.

WHEREAS the Hoover Dam, a concrete arch-gravity storage dam, was built in the Black Canyon of the Colorado River between the States of Nevada and Arizona, forever changing how water is managed across the West;

Whereas, on September 30, 1935, President Franklin D. Roosevelt dedicated the Hoover Dam;

Whereas the construction of the Hoover Dam created Lake Mead, a reservoir that can store an amount of water that is equal to 2 years average flow of the Colorado River;

Whereas countries around the world have held science festivals that have brought together hundreds of thousands of visitors to celebrate science;

Resolved, That the Senate—

(1) celebrates and acknowledges the thousand-thousands of students and families across the country who participate in this extraordinary event.

CELEBRATING THE 75TH ANNIVERSARY OF THE DEDICATION OF THE HOOVER DAM

The resolution (S. Res. 657) celebrating the 75th anniversary of the dedication of the Hoover Dam was agreed to. The preamble was agreed to. The resolution, with its preamble, reads as follows:

S. Res. 657

Whereas the Hoover Dam, a concrete arch-gravity storage dam, was built in the Black Canyon of the Colorado River between the States of Nevada and Arizona, forever changing how water is managed across the West;

Whereas the construction of the Hoover Dam, a concrete arch-gravity storage dam, was built in the Black Canyon of the Colorado River between the States of Nevada and Arizona, forever changing how water is managed across the West;

Whereas countries around the world have held science festivals that have brought together hundreds of thousands of visitors to celebrate science;

Resolved, That the Senate—

(1) celebrates and acknowledges the thousands of workers and families that overcame difficult working conditions and great challenges to make construction of the Hoover Dam possible;

(2) celebrates and acknowledges the economic, cultural, and historic significance of the Hoover Dam;

(3) recognizes the past, present, and future benefits of the construction of the Hoover Dam for the agricultural, industrial, and urban development of the Southwestern United States; and

(4) joins the States of Arizona, California, Nevada and the people of the United States in celebrating the 75th anniversary of the dedication of the Hoover Dam.
NATIONAL CHARACTER COUNTS WEEK

The resolution (S. Res. 658) designating the week beginning October 17, 2010, as “National Character Counts Week” was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 658

Whereas the well-being of the United States requires that the young people of the United States become actively involved, caring citizens of good character;

Whereas the character education of children has become more urgent, as violence by and against seemingly threatens the physical and psychological well-being of the people of the United States;

Whereas more than ever, children need strong and constructive guidance from their families and their communities, including schools, youth organizations, religious institutions, and civic groups;

Whereas the character of a nation is only as strong as the character of its individual citizens;

Whereas the public good is advanced when young people reflect the character and conduct of good character and the positive effects that good character can have in personal relationships, in school, and in the workplace;

Whereas educators agree that people do not automatically develop good character and that, therefore, conscientious efforts must be made by institutions and individuals that influence youth to help young people develop the essential traits and characteristics that comprise good character;

Whereas although character development is, first and foremost, an obligation of families, the efforts of faith communities, schools, and youth, civic, and human service organizations also play an important role in fostering and promoting good character;

Whereas Congress encourages students, teachers, parents, youth, and community leaders to recognize the importance of character education in preparing young people to play a role in determining the future of the United States;

Whereas effective character education is based on core ethical values, which form the foundation of a democratic society;

Whereas examples of character are trustworthiness, respect, responsibility, fairness, caring, citizenship, and honesty;

Whereas elements of character transcend cultural, religious, and socioeconomic differences;

Whereas the character and conduct of our youth reflect the character and conduct of society, and, therefore, every adult has the responsibility to teach and model ethical values and every social institution has the responsibility to promote the development of good character;

Whereas Congress encourages individuals and organizations, especially those that have an interest in the education and training of the young people of the United States, to adopt, and to work toward, as intrinsic to the well-being of individuals, communities, and society;

Whereas many schools in the United States recognize the need that they have taken steps, to integrate the values of their communities into their teaching activities; and

Whereas the establishment of “National Character Counts Week” during which individuals, families, schools, youth organizations, religious institutions, civic groups, and other organizations focus on character education provides a great benefit to the United States:

Resolved, That the Senate—

SUPPORTING “LIGHTS ON AFTERSCHOOL”

The resolution (S. Res. 659) supporting “Lights On Afterschool,” a national celebration of afterschool programs, was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 659

Whereas high-quality afterschool programs provide safe, challenging, engaging, and fun learning experiences that help children and youth develop their social, emotional, physical, cultural, and academic skills;

Whereas high-quality afterschool programs support working families by ensuring that the children in such families are safe and productive after the regular school day ends;

Whereas high-quality afterschool programs build stronger communities by involving students, parents, business leaders, and adult volunteers in the lives of the youth of the Nation, thereby promoting positive relationships among children, youth, families, and adults;

Whereas high-quality afterschool programs engage families, schools, and diverse communities in advancing the well-being of the children in the United States;

Whereas “Lights On Afterschool”, a national celebration of afterschool programs established October 21, 2008, highlights the critical importance of high-quality afterschool programs in the lives of children, their families, and their communities;

Whereas more than 10,000,000 children in the United States have parents who work outside the home and 15,100,000 children in the United States have no place to go after school, and

Whereas many afterschool programs across the United States are struggling to keep their doors open and their lights on: Now, therefore, be it

Resolved, That the Senate supports the goals and ideals of “Lights On Afterschool”, a national celebration of afterschool programs.

Mr. DODD. Mr. President, today Senator ENSIGN and I have submitted a resolution designating October 21, 2010, Lights On Afterschool Day. Lights On Afterschool brings students, parents, educators, lawmakers, and community and business leaders together to celebrate afterschool programs. This year, more than 1 million Americans are expected to attend about 7,500 events designed to raise awareness and support for these much needed programs.

In America today, one in four youth—more than 15 million children—go home alone after the school day ends. This includes more than 40,000 kindergarteners and almost 4 million middle school students in grades six to eight. On the other hand, only 8.4 million children, or approximately 15 percent of school-aged children, participate in afterschool programs. An additional 18.5 million would participate if a quality program were available in their community.

Lights On Afterschool, a national celebration of afterschool programs, is celebrated every October in communities nationwide. To call attention to the importance of afterschool programs for America’s children, families and communities. Lights On Afterschool was launched in October 2000.
with celebrations in more than 1,200 communities nationwide. The event has grown from 1,200 celebrations in 2001 to more than 7,500 today. This October, 1 million Americans will celebrate Lights On Afterschool.

Mr. President, quality afterschool programs should be available to children in all communities. These programs support working families and prevent kids from being both victims and perpetrators of violent crime. They also help parents in balancing work and home-life. Quality afterschool programs help to engage students in their communities, and when students are engaged, they are more successful in their educational endeavors.

As co-chairmen of the Senate After-school Caucus, Senator Ensign and I have been working for more than 5 years to impress upon our colleagues the importance of afterschool programming. It is our hope that they will join us on October 21 to celebrate the importance of afterschool programs in their communities back home.

EXPRESSING SUPPORT FOR A PUBLIC DIPLOMACY PROGRAM PROMOTING ADVANCEMENTS IN SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS

The resolution (S. Res. 660) expressing support for a public diplomacy program promoting advancements in science, technology, engineering, and mathematics made by or in partnership with the people of the United States was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 660

Whereas science, technology, engineering, and mathematics are vital fields of increasing importance in driving the economic engine and ensuring the security of the United States;

Whereas science, technology, engineering, and mathematics have played, and will continue to play, critical roles in helping to develop clean energy technologies, find life-saving cures for diseases, solve security challenges, and discover new solutions for deteriorating transportation and infrastructure;

Whereas the United States is recognized as an international leader in science, technology, engineering, and mathematics and a destination for individuals from all over the world studying in those fields;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members and officers of the Senate in civil actions relating to their official responsibilities; Now therefore, be it

Resolved, That the Senate—

(1) commends individuals and institutions that participate in and support advancements in science, technology, engineering, and mathematics specially through international partnerships;

(2) supports the Science Envoy Program as representative of the commitment of the United States to collaborate with other countries to promote the advancement of science and technology throughout the world based on issues of common interest and expertise; and

(3) encourages the Secretary of State to establish a public diplomacy program that uses embassies of the United States and the resources of the Smithsonian Institution and other such institutions—

(A) to establish engaging exhibits that provide examples of cooperation between institutions and the people of the United States and the institutions and people of the host country in the fields of science, technology, engineering, and mathematics;

(B) to create fora for individuals working or conducting research in science, technology, engineering, and mathematics in the host country to discuss their work and the cooperation with the institutions and people of the United States and those of the host country; and

(C) to encourage future cooperation and relationships with students around the world in science, technology, engineering, and mathematics.

SENATE LEGAL COUNSEL AUTHORIZATION

The resolution (S. Res. 661) to authorize representation by the Senate Legal Counsel in the case of McCarthy v. Byrd, et al. was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 661

Whereas, in the case of McCarthy v. Byrd, et al., Case No. 1:10–CV–03317, pending in the United States District Court for the District of New Jersey, plaintiff has named as a defendant the President Pro Tempore of the Senate; and

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members and officers of the Senate in civil actions relating to their official responsibilities: Now therefore, be it

Resolved, That the Senate Legal Counsel is authorized to defend, on behalf of Senator Inouye, the President Pro Tempore of the Senate, in the case of McCarthy v. Byrd, et al.

Mr. REID. Mr. President, this resolution concerns a civil action filed against the President pro tempore of the Senate and the Speaker of the House of Representatives seeking to have the Federal courts order Congress to pass legislation enacting the plaintiff's proposal to purportedly save Social Security. This lawsuit seeking to compel the Congress to take legislative action is not cognizable before the Federal courts. This resolution authorizes the Senate Legal Counsel to represent the President pro tempore, Senator Inouye, in this case and to move for its dismissal.

ORDERS FOR WEDNESDAY,
SEPTEMBER 29, 2010

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, September 29, that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that after any managerial remarks, the Senate proceed to a period of morning business until 10 a.m., with the time equally divided between the two leaders or their designees; that following morning business, the Senate debate the motion to proceed to S.J. Res. 39 as provided for under the previous order; that upon disposition of the joint resolution, the Senate resume consideration of the motion to proceed to H.R. 3081, the legislative vehicle for the continuing resolution; and that the Senate recess from 12:30 until 2:15 to allow for the caucuses meetings. Finally, I ask that any time during consideration of the motion to proceed to S.J. Res. 39, morning business, recess, or adjournment count post cloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. Mr. President, Senators should expect the first vote of the day to begin at 12 noon. That vote will be on the motion to proceed to S.J. Res. 39, a joint resolution providing for congressional disapproval of a rule relating to status as a grandfathered health plan under the Patient Protection and Affordable Care Act. We are also working on an agreement to complete action on the continuing resolution tomorrow. Senators will be notified when any additional votes are scheduled.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 8:13 p.m., adjourned until Wednesday, September 29, 2010, at 9:30 a.m.
Small Business Jobs Act of 2010

SPEECH OF
HON. JOHN J. HALL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 23, 2010

Mr. HALL of New York. Madam Speaker, I was unavoidably detained this week and unable to vote on the Senate Amendment to H.R. 6297, the Small Business Lending Fund Act of 2010. Had I been present, I would have voted for this critical legislation. Earlier this year I met with small business leaders in the Hudson Valley and they told me that some of their top concerns were access to credit and the cost of doing business. They also strongly advocated for an extension of bonus depreciation to allow a quicker write-off of capital expenditures, and a larger start-up deduction. After these meetings, I introduced the Helping Small Businesses Start and Grow Act, which included a bonus depreciation extension, increased start-up deduction and a measure to help free up credit for small businesses. Similar provisions were included in the bill that passed the House this Wednesday. I was proud to vote for the Small Business Lending Fund Act when it was first considered in the House, and I appreciate the efforts of my colleagues to continue to advance these vital programs.

Renewing Authority for State Child Welfare Demonstration Programs

SPEECH OF
HON. DANNY K. DAVIS
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 23, 2010

Mr. DAVIS of Illinois. Mr. Speaker, I wish to offer my strong support for H.R. 6156, the Renewing Authority for State Child Welfare Demonstration Programs Act of 2010. This bill would permit the Secretary of Health and Human Services to allow up to 10 demonstration projects a year to test innovative approaches to improving the child welfare system.

I am an ardent supporter of the waiver program. My home State of Illinois has been a leader in developing and demonstrating the effectiveness of pioneering child welfare reforms using these waivers. Most notably, Illinois’s subsidized guardian waiver was critical to documenting the success of this permanency option in preserving families, improving child well-being, and reducing the number of children in care. I am proud that the Illinois waiver helped lay the ground work for the statutory change in 2008 via The Fostering Connections to Success and Increasing Adoptions Act that allowed states to use Federal funds to support family caregivers raising relatives who were in the foster care system.

More recently, Illinois has received a waiver to provide innovative services for caregivers with substance use disorders. Illinois’s demonstration project showed positive outcomes for children and families as well as substantial cost savings—approximately $6.6 million over the lifetime of the waiver. Further, the research related to the program reveals important information for improving these programs, especially related to the complexity of problems faced by families experiencing substance abuse and the types of interventions needed to improve reunification and reduce out-of-home placements.

Although waivers are helpful in strengthening our child welfare policy, policymakers must work to implement comprehensive changes to the child welfare system—especially with regard to financing and emphasizing prevention. I am glad that this legislation includes some improvements to the waiver program, including increased reporting on the nature of funding used for a demonstration project and prioritizing early intervention and crisis intervention to safely reduce the number of children removed from their homes. I promise to continue to work actively with my colleagues to push for comprehensive reform for the child welfare system so that we can improve the well-being of children and families.

HONORING LATINA LEADER AWARD RECIPIENT BETTY JEAN LONGORIA, NUÉCES COUNTY COMMISSIONER

HON. SOLOMON P. ORTIZ
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 28, 2010

Mr. ORTIZ. Madam Speaker, I rise today to honor the work, dedication and leadership of Nueces County Commissioner, Betty Jean Longoria, who will receive this evening the Latina Leader Award at the Washington Court Hotel.

Commissioner Longoria was first elected to the Nueces County Commissioner’s Court in November 2002. On January 1, 2003, Betty Jean Longoria took her oath of office to become the first elected Hispanic woman to serve as a Commissioner since the Commissioner’s Court was established. She represents Agua Dulce, Petronila, Banquete, Bishop and the western part of Corpus Christi.

Prior to being elected to the Commissioner’s Court, Commissioner Longoria served on the Corpus Christi City Council for 10 years and was a school board trustee with the Tuloso-Midway Independent School District for 6 years. Throughout her political career, she has been a strong advocate of education. She has served as a student mentor at Crossley Special Emphasis, Lamar Elementary, Blanche Moore Elementary, South Park Middle School and Solomon Coles Elementary.

Commissioner Longoria serves on the board of directors for the Corpus Christi Botanical Gardens, Big Brothers Big Sisters of South Texas, Friends of the Corpus Christi Public Libraries and board of trustees for the South Texas Institute for the Arts. Previously, she has served on the boards of the National Conference for Community and Justice, Goodwill Industries of Corpus Christi, Nueces County Community Action Agency, Westside Business Association, Corpus Christi Chamber of Commerce, Corpus Christi Hispanic Chamber of Commerce and the Hispanic Women’s Network.

Commissioner Longoria was born and raised in Corpus Christi and graduated from Roy Miller High School. Commissioner Longoria and her husband, Alfredo Longoria, Jr., have been married for 49 years and have four sons and eight grandchildren.

I ask my colleagues to join me in commemorating Commissioner Longoria for her work and dedication to the people of Nueces County and her well deserved award as a Latina Leader.

HONORING THE 150-YEAR ANNIVERSARY OF THE TEMPLE HESED SYNAGOGUE IN SCRANTON, PENNSYLVANIA

HON. PAUL E. KANJORSKI
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 28, 2010

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to the 150th anniversary of Temple Hesed, the oldest synagogue in Scranton, Pennsylvania.

Temple Hesed’s roots were founded during the mid-19th Century when small groups of worshipers would travel back and forth between Scranton and Wilkes-Barre, Pennsylvania to attend High Holy Day Services.

The group, made up mostly of German immigrants, was originally known in the 1840s as “Chevra Rodef Shalom,” meaning, “Brotherhood of the Pursuer of Peace.” On August 20, 1860, the group was renamed “Kehilat Anshe Chesed,” meaning the “Congregation of the People of Loving-Kindness.” By 1862, its membership had increased to 27 and was granted a charter.

The congregation’s first synagogue was located in the 100 block of Linden Street in Scranton. They purchased the land in 1867 from the Lackawanna Iron and Coal Company, and worshiped in the original synagogue through 1902.
During this time, the congregation joined the American Reform Movement, an organization founded by Rabbi Isaac Mayer Wise, who was present to dedicate the original synagogue in Scranton in April of 1867.

In 1902, the congregation moved from its original synagogue to a new building on Madison Avenue in Scranton. Over the next few decades, the synagogue was renovated and expanded to accommodate the group’s growing membership, and in the 1960s its name was changed to “The Madison Avenue Temple.”

The congregation moved into its current synagogue off of Lake Scranton Road in 1974, and its name was changed one last time to “Temple Hesed,” meaning the “Temple of Loving Kindness,” and reflecting the congregation’s 19th Century roots.

Currently, Temple Hesed remains a member of the American Reform Movement, today known as the Union of Reform Judaism, which now has over 900 member congregations throughout the country.

The synagogue promotes a “welcoming” environment, and offers traditional worship experiences, as well as alternative services such as Kabbalat Shabbat and Prayer Services. It is unique in its commitment to integrating people with disabilities into all aspects of life, and offers traditional worship experiences and alternative services such as Kabbalat Shabbat and Prayer Services.

Madam Speaker, please join me in recognizing this remarkable anniversary. Over the past 150 years, Temple Hesed has evolved through the years and now revolves mostly around agriculture, but community leaders are just as committed to making it a vibrant area where people want to spend time.

Today Cave Springs is known as the “Gate-way to the Future.” Those on the way to the Northwest Arkansas Regional Airport pass through this small community that still maintains its friendly rural charm where people still say hi to their neighbors.

Mayor Mark Reeves said that’s what attracted him to the town in 1982. Since then the population of the community has grown as it is uniquely situated between rural beauty and busy cities that offer a lot of activities.

Congratulations to Cave Springs for 100 amazing years and best of luck on the next 100.

HON. DANNY K. DAVIS
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 22, 2010
Mr. DAVIS of Illinois. Mr. Speaker, I offer my strong support for the Training and Research for Autism Improvements Nationwide Act—a bill that promotes much-needed training and research advancements related to Autism. This bill expands federal support for understanding and treating the Autism Spectrum Disorders which affect as many as 1 in 110 children born in the United States.

Autism is a complex neurological disorder that is typically diagnosed around the age of 3 years old and lasts throughout a person’s lifetime. The Centers for Disease Control and Prevention has identified Autism as one of the nation’s leading public health crises. An Autism-related diagnosis is more common than the diagnosis of pediatric cancer, diabetes, and AIDS combined. Autism-related disorders occur in all racial, ethnic, and socioeconomic groups at similar rates; however, they are four times more common in boys than they are in girls. Recently, scientists have made advances in understanding Autistic symptomatology; yet there remains limited understanding about its cause and course. These disorders have a tremendous affect on the lives of the children and families who experience them, including challenges with education, communication, and employment possible.

The Training and Research for Autism Improvements Nationwide Act will improve federal support for research and treatment related to Autism disorders. The bill establishes Centers of Excellence to provide services to children and families affected by Autism. I am well aware of the benefits of such comprehensive, targeted Centers of Excellence. I am proud that Chicago is home to the Therapeutic School and Center for Autism Research which is a non-profit business located in Chicago. This Center is a national leader in providing care and advancing research related to Autism Spectrum Disorders. Within one site, state-of-the-art education, research, training, early intervention, school-to-work transition training, and independent living training occur. It is a true resource to the children and families in Illinois and the nation. This Center reflects a strong public-private partnership in which the State of Illinois, the city of Chicago, the University of Illinois, and multiple for-profit and non-profit businesses came together to make this Center a reality. The success of this Center demonstrates the need and potential benefits of creating additional national Centers of Excellence, as authorized by this bill.

In Chicago and across the country, it is clear that Autism significantly affects the lives of children and families. Additional federal efforts are needed to advance our understanding and response to Autism Spectrum Disorders. I strongly urge my colleagues to support the Training and Research for Autism Improvements Nationwide Act.

HONORING STANLEY MOSKAL AS GRAND MARSHAL OF THE 2010 PULASKI DAY PARADE

HON. STEVEN R. ROTHMAN
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 28, 2010
Mr. ROTHMAN of New Jersey. Madam Speaker, I rise today to recognize Garfield Deputy Mayor Stanley J. Moskal for his selection as grand marshal of the 2010 Pulaski Day Parade. The parade, which will be held on October 3, 2010, in New York City, is the 73rd annual celebration of Polish heritage and General Casimir Pulaski’s heroic military contributions during the American Revolutionary War.

A lifelong resident of Garfield, New Jersey, located within my Congressional District, the Honorable Stanley Moskal was elected to the Garfield Council in 2004. In 2008, he was re-elected to the council as Deputy Mayor. Mr. Moskal is an active community leader in the City of Garfield, serving on the Board of Directors of both the Garfield YMCA and the Garfield Vistula Soccer Club. He is Vice President of the Pulaski Parade Association of Garfield and has served as a commissioner to Garfield’s Joint Insurance Fund. Mr. Moskal is a member of Garfield’s Community Response Team, having been one of the first councilmen in New Jersey to complete this program.

Deputy Mayor Moskal is an active parishioner of Saint Stanislaus Kostka, Roman Catholic Church, where he has served as an usher for their Sunday Mass since the age of 15. In 2004, he was selected to be Marshal of the Garfield Contingent in the Pulaski Day Parade, making him the youngest ever individual parader.
to lead Garfield in this annual celebration. Mr. Moskal’s election as 2010 Grand Marshal brings him the additional distinction of being the first-ever Garfield resident to serve as Grand Marshal and one of the youngest Grand Marshals in the history of the Pulaski Day Parade.

Madam Speaker, today I would like to congratulate Deputy Mayor Moskal on this exciting honor and thank him for his extraordinary contributions to the City of Garfield. I am proud to have such a dedicated and enthusiastic leader as part of my constituency.

HONORING THE 50TH ANNIVERSARY OF NEW PROVIDENCE MISSIONARY BAPTIST CHURCH

HON. KENDRICK B. MEEK
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 28, 2010

Mr. MEEK of Florida. Madam Speaker, today I rise to honor the 50th anniversary of New Providence Missionary Baptist Church in Miami, Florida. Since its inception, the Church has stood in the community as a symbol of perseverance and inspiration. This anniversary of New Providence Missionary Baptist Church marks a time of remembrance of a storied past and provides hope for a bright future.

On October 4, 1960, the late Reverend C. J. Burney organized New Providence Missionary Baptist Church with a membership totaled at 376 members. After 23 years, Rev. Burney retired in November 1983. On December 8, 1983, Rev. James Walthour became the Pastor of New Providence. He served and led the Church faithfully until he passed on September 6, 2001. Rev. Vinson Davis became the interim Pastor on July 25, 2002. He was elected to be the Pastor of New Providence and was installed on September 15, 2002. For the last eight years Pastor Davis has followed his motto and vision for New Providence Missionary Baptist Church—“The Spirit of Oneness.”

Madam Speaker, please join me in applauding and honoring New Providence Missionary Baptist Church as it celebrates 50 years of dedicated fellowship. Throughout the past 50 years, the clergy and members have dedicated themselves to providing spirituality, service and guidance to the Church and greater community of South Florida. New Providence is a model for our community and our Nation. New Providence has never wavered from the ministry of saving lost souls, preaching the gospel, feeding the hungry, helping the homeless, and reaching out and renewing the spirit of neighbors in need. It is my hope New Providence Missionary Baptist Church continues to stand as a beacon of resolve, inspiration and worship for many years to come.

CONGRATULATING THE SEATTLE STORM FOR WINNING THE 2010 WNBA NATIONAL CHAMPIONSHIP TITLE

HON. JIM McDERMOTT
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 28, 2010

Mr. McDERMOTT. Madam Speaker, I rise today to congratulate the Seattle Storm for winning the 2010 WNBA National Championship Title, their second national championship in six years. After a record-breaking season, the Storm swept the Atlanta Dream in three close games during the WNBA finals, winning on Thursday night in Atlanta, 87-84. Their victory is not only a tribute to the hard work of the players and team management and gumption of our team’s female owners, who bought the team in 2008, refusing to make the move to Oklahoma City with the Sonics. I applaud our players, owners, and fans for allowing our team to grow and thrive in Seattle.

While none of the athletes on the Storm were born when Patsy Mink wrote and worked to pass Title IX, in 1972, all have reaped the benefits of her efforts. Title IX gave women and girls greater opportunities to participate in high school and collegiate sports, which the talented and dedicated women of the WNBA have parlayed into professional careers.

I am so very proud of our team and their accomplishments. As we all learned in grade school, it’s not just if you win, but how you win. Too many of our professional athletes have forgotten this lesson, but not the women of the Storm. As ESPN’s Mechelle Voepel put it: “The Storm weren’t a team that was dominant in the sense that it throttled all its opponents. To the contrary, the Storm made tallying an art form this summer. But the Storm were a team that always seemed to figure out how to get the job done, however it really mattered.” Congratulations.

HONORING THE LIFE OF MARINE CORPORAL MAX WILLIAM DONAHUE

HON. GEOFF DAVIS
OF KENTUCKY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 28, 2010

Mr. DAVIS of Kentucky. Madam Speaker, today I pay tribute to Marine Corporal Max William Donahue. He lost his life on August 7, 2010 after he was severely wounded in Afghanistan. Corporal Donahue served two previous combat tours in Iraq before deploying to Afghanistan. Corporal Donahue was the son of Gregory Donahue of Worthington, Kentucky.

Today, as we celebrate the life and accomplishments of this exceptional Kentuckian, my thoughts and prayers are with Corporal Donahue’s family and friends.

We are all deeply indebted to Corporal Donahue for his service and his sacrifice.

IN TRIBUTE TO DISMAS BECKER, A MAN OF FAITH

HON. GWEN MOORE
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 28, 2010

Ms. MOORE of Wisconsin. Madam Speaker, I rise today in tribute to a dear friend, a mentor, a legislator, a community organizer, a loving husband and father to his family. Dismas Becker was a man of faith and that unfaltering faith remains with us even with his passing.

Dismas Becker was a former activist priest who was in the forefront of the civil rights movement during the tumultuous 1960’s. Along with the well-known activist Father James Groppi, Dismas participated in welfare rights demonstrations, open housing marches, and publicly defended Father Groppi’s efforts to organize demonstrations in support of these causes. In October 1969, Dismas was beaten by police while occupying the chambers of the Wisconsin State Assembly in Madison, to protest welfare funding cutbacks. Dismas Becker’s sermons were filled with anti-war sentiment and the fight for civil rights that brought complaints from some parishioners. The dissident did not sway Dismas from this calling.

In fact, speaking in 1969 Dismas said, “If you do find yourself in a conflict between you and society and you do not dissent, you are not a Christian.” He later left the priesthood, but did not leave his activism behind. Dismas Becker went on to serve in other roles, including as a state representative in the Legislature and was eventually chosen as the Majority Leader in the Assembly by his fellow Democrats in 1984.

Dismas Becker married an amazing woman, Fay Anderson, who was active in the local Democratic Party, and was an alderperson in her own right. He adopted her children and they adopted a son of their own. He never stopped working on behalf of those who needed it most. With his own personal ministry never wavering, he reached out to the down-trodden, and to people who were going in the wrong direction, to help them turn a corner.

Madam Speaker, for these many reasons I rise in tribute to Dismas Becker. He reached out to me, then a young woman with 3 children and encouraged me throughout his lifetime. In 1988, he decided to run for the State Senate. Dismas Becker suggested, pushed, and encouraged me with love to run for his Assembly seat. I am here today due in no small part to the incredible commitment of this loving and giving human being. I will miss my beloved friend, Dismas Becker, and he will be missed by the entire community.

IN HONOR OF GEORGE ALCOTT’S MORE THAN TWENTY YEARS OF SERVICE TO COMMUNICATIONS WORKERS OF AMERICA, LOCAL 1301, AND THE WORKING FAMILIES OF THE COMMONWEALTH OF MASSACHUSETTS AND NEW ENGLAND

HON. STEPHEN F. LYNCH
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 28, 2010

Mr. LYNCH. Madam Speaker, I rise today in honor of George Alcott, a constituent from Braintree, Massachusetts, in recognition of his decades of commitment to the men and women of Communications Workers of America, Local 1301, and for ensuring access to quality communications service for the people of the Ninth Congressional District, the Commonwealth of Massachusetts, and New England.
George was born to George and Marilyn Alcott and raised in the city of Quincy, Massachusetts, where he graduated from North Quincy High School. After attending Boston College, George taught in the Boston school system and was also a manufacturer’s representative.

George began his career with New England Telephone in 1983 as a Yellow Pages Sales Representative and worked in the Boston and Providence, Rhode Island markets. He quickly became a leader among his peers, and in 1986 was elected Vice President of Communications Workers of America (CWA) Local 1301, a position he held through 1989. In 1990, George became President of CWA Local 1301 and remained the Local’s leader through 2010, representing Yellow Pages Sales Representatives throughout New England for two decades.

During his tenure George served on both the Local and Regional Bargaining Committees and negotiated numerous contracts, which were viewed in the industry as “best in class” for the hundreds of members that he represented. These contracts provided workers and their families with outstanding compensation, healthcare and pension benefits. Although he has stepped down as President, George still works tirelessly on behalf of active and retired members of CWA Local 1301 on issues critical to their well being.

Currently, as a Vice President on the Executive Board of the Massachusetts AFL-CIO, George represents hundreds of thousands of working people in Massachusetts. He also sits on the Board of Directors of Blue Cross Blue Shield of Massachusetts, and in this role is able to provide the perspective of labor and working families to his colleagues of this leading healthcare organization. His lifelong commitment to the people he represents has earned George Alcott the admiration and respect of the men and women in the labor movement, in Massachusetts and across the Nation.

When reflecting on a lifetime of good works, George counts as his greatest achievements marrying Kathy, his loving wife of 11 years, raising his children, Daniel and Courtney.

Madam Speaker, it is my distinct honor to take the floor of the House today to join with his family, friends and contemporaries to thank George for his commitment to the men and women of Communications Workers of America, Local 1301, and the working families of Massachusetts and New England. I urge my colleagues to join me in recognizing George Alcott’s efforts and dedicated service to others.

CONGRESSIONAL RECOGNITION
FOR SUPPORT OUR TROOPS
OF TUCSON, ARIZONA

HON. GABRIELLE GIFFORDS
OF ARIZONA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 28, 2010

Ms. GIFFORDS. Madam Speaker, I rise today to commend Support Our Troops, a non-profit organization in my hometown of Tucson, Arizona, that over the past four years has served more than 3,300 families by shipping care items to our troops serving around the world.

Support Our Troops was the brainchild of veteran Jonathan Rice, who served in the U.S. Army from 1966 until 1970 and in the U.S. Army Reserve from 1981 until 1985. Mr. Rice is a resident of Atria Bell Court Gardens, an independent senior community in Tucson. He formed Support Our Troops as a non-profit organization to let troops from Arizona know that their fellow Arizonans support them and appreciate their efforts.

Support Our Troops has sent more than 1,600 packages that have benefited nearly 12,000 Arizonans serving in the Army, Air Force, Navy and Marines. Two years ago, I had the honor of visiting Mr. Rice and the other residents of Atria Bell Court Gardens for the completion of their 1,000th package for our troops. The packages contain snack and hygiene items for our men and women in uniform as well as small gifts for children in the areas where the troops are deployed.

The packages have been delivered to Iraq, Afghanistan, Serbia, Kosovo, Qatar, Kuwait and other nations where our troops have been deployed. Since the packages have been sent, a number of troops have returned to Tucson and visited Atria Bell Court Gardens to say how much they appreciated these generous gifts of love and support.

Residents of Atria Bell Court Gardens shop for the contents of the packages each week and pay for the items out of their own pockets. The boxes are packed each Saturday and opened by the residents of Atria Bell Court Gardens pay for all postage costs. The residents and owners of this community have spent tens of thousands of dollars to send these gifts of appreciation to our Armed Forces.

Madam Speaker, I am proud to recognize Jonathan Rice and his fellow residents of Atria Bell Court Gardens as well as owners of the retirement community on the occasion of the fourth anniversary of their Support Our Troops program, which has delivered an untold amount of good will and support to the men and women who defend our country.

DOMESTIC VIOLENCE AWARENESS MONTH

HON. DAVID G. REICHERT
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 28, 2010

Mr. REICHERT. Madam Speaker, last year on the 22nd of October I submitted remarks in recognition of Domestic Violence Awareness Month, a tradition that started in this House in 1989. Today, Madam Speaker, I am doing the same. Domestic violence is a debilitating scourge in our society, and our goal in this House and as a nation should be to completely eliminate it.

Before joining this House in 2004, I spent 33 years in law enforcement, Madam Speaker. I witnessed acts of domestic violence, and I watched the debilitating results play out in families and communities for weeks, months, and years afterward. The toll domestic violence takes on people across this country is incalculable. Madam Speaker, domestic violence recognizes no boundaries.

Children who witness abuse and are themselves abused are more than twice as likely to become abusers as adults. Generations of Americans have failed to break this terrible cycle of violence and even more alarmingly, many of those same Americans have not properly identified acts of domestic violence or sought help or protection due to ignorance, fear, or a host of other troubling reasons. In 2006, a survey conducted by Teen Research Unlimited showed that fifteen percent of teens who have been in a relationship reported being hit, slapped, or pushed by their boyfriend or girlfriend, we must work harder to raise awareness of this critical issue to ensure people know that help is available, and that they can feel safe in reaching out and taking hold of that help.

I urge members of this House to support organizations committed to stamping out domestic violence, Madam Speaker. I also urge every American to take the time during October—Domestic Violence Awareness Month—to tell their spouse or child how important each is to their lives. Hug your spouse. Hug your children. And should people feel moved to do so, figure out how to extend a helping hand to victims in communities across our country. Every day in October we have the opportunity to work against domestic violence. Americans must stay vigilant; thank you.

INTRODUCING RESOLUTION "RECOGNIZING 75 TEXAS WORLD WAR II VETERANS VISITING WASHINGTON, D.C., ON SEPTEMBER 27, 2010, TO VISIT THE MEMORIALS BUILT IN THEIR HONOR

HON. RON PAUL
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 28, 2010

Mr. PAUL. Madam Speaker, I am introducing today a resolution honoring 75 Texas World War II veterans who are being flown by Dow Chemical Company to Washington, DC on September 27, 2010. These veterans have spent their post-WWII careers working at Dow's Freeport, Texas Operations, which is in the district I represent. Now they are finally getting the chance to see the WWII monument, which was built to honor their service to our country in the war.

Madam Speaker, I would like to express my deepest appreciation to these veterans and all the veterans of WWII and I am pleased that Dow Chemical Company made it possible for them to come to Washington, DC.

HONORING THE LIFE OF ARMY RANGER SPECIALIST CHRISTOPHER WRIGHT

HON. GEOFF DAVIS
OF KENTUCKY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 28, 2010

Mr. DAVIS of Kentucky. Madam Speaker, today I pay tribute to Army Ranger Christopher Wright, from Todd County, Kentucky, who lost his life on August 19, 2010 from wounds sustained when insurgents attacked his unit with small arms fire in the Konar Province of Afghanistan.

He was assigned to Company C, 1st Battalion, 75th Ranger Regiment, Hunter Army Airfield in Georgia. Specialist Wright was a 2005 graduate of Lewis County High School and was on his second tour of duty overseas.
He was the beloved son of James Cochran and Linda Dennis. He also was a role model for his three younger siblings.

Today, as we celebrate the life and accomplishments of this exceptional Kentuckian, my thoughts and prayers are with Specialist Wright’s family and friends.

We are all deeply indebted to Specialist Wright for his service and his sacrifice.

HONORING BLUE DIAMOND GROWERS

HON. DENNIS A. CARDOZA OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. CARDOZA. Madam Speaker, I rise today to recognize Blue Diamond Growers, celebrating 100 years of quality service, both domestically and worldwide.

The seed for this American icon was planted on May 6, 1910, by 230 California almond growers, forming the California Almond Growers Exchange, a cooperative created to establish a market for quality almond production.

Sixty percent of California’s almond growers joined the cooperative, giving birth to America’s first almond brand, the Blue Diamond, named after the world’s rarest and most precious of gems, a true symbol of quality.

In an effort to expand Blue Diamond’s commitment to innovation and quality, the Blue Diamond forefathers made their first voyage to Italy and Spain, in 1917, to share cultural and marketing information. This marked the first promotion by an American cooperative to provide almonds to a foreign market. Soon after, Spain would become a leading market for California almonds.

Blue Diamond established a partnership with the Federal government in 1928 to obtain better rail rates, thus facilitating the first speech in America aboard a train headed cross country about the importance of equitable almond prices.

With continuing commitment to innovation, integrity, and satisfaction of customer needs, Blue Diamond developed the first cellophane bag to package almonds. The company funded the first nutritional research program, establishing almonds as a viable source of protein and energy. As a result, almonds are now an essential source of food in the Federal School Lunch Program.

Continually searching for new ways to make almonds enjoyable and fun, Blue Diamond introduced the first almond snack, Smokehouse Almond, an American favorite for airline passengers.

In 1950, Blue Diamond established the Almond Board of California, a federal marketing order, which helped to collect market information by funding research and promoting California almonds.

With a commitment to quality and a desire to provide for almond lovers everywhere, Blue Diamond led the way in opening the Japanese market and established its first foreign office in Japan in the 1950s.

Blue Diamond exported California almonds to Russia when it was still known as the Soviet Union. In the 1970s, Blue Diamond provided the Indian market with California almonds, a relationship that still exists today. India now imports over $100 million dollars of California almonds, making almonds the number-one U.S. export to India.

Blue Diamond is currently expanding the almond market in China, which ranks among the largest in the world for California almonds.

From Blue Diamond’s modest beginnings as a small industry of three million pounds of almonds in 1910, California is now producing more than 1.65 billion pounds and 80 percent of the global supply. Blue Diamond’s business has grown to nearly $1 billion dollars with over half of the state’s almond growers owning the cooperative.

Due to Blue Diamond’s diligence and commitment to quality, almonds are now California’s largest food export and rank as the largest tree crop in the world. Blue Diamond represents the best of the American entrepreneurial spirit and its products have become ingrained in many aspects of Americans’ lives.

It is a privilege to honor Blue Diamond Growers for its 100 years of leadership in developing and promoting the California almond industry both domestically and abroad.

LI-ION MOTORS CORP ‘WAVE II’ X PRIZE WINNER

HON. PATRICK T. MCHENRY OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. MCHENRY. Madam Speaker, on September 16, 2010, the X PRIZE Foundation, an educational nonprofit prize organization, and Progressive Insurance, awarded a total of $10 million to three teams who successfully completed the rigorous Progressive Insurance Automotive X PRIZE competition. Among the three winning teams was Li-Ion Motors Corp. in my district. Li-Ion Motors emerged from an original field of 111 competing teams, representing 136 vehicle entries from around the world. The winning vehicles were showcased to an audience of individuals from the auto industry, national and international businesses, and U.S. government leaders.

Li-Ion Motors’ design of the “Wave II” was awarded $2.5 million for the Alternative Side-by-Side Class category. The two-seat battery electric car was built on a lightweight aluminum chassis and weighed in at only 2,176 pounds, despite the weight of its powerful lithium-ion batteries. The Wave II demonstrated outstanding low mechanical and aerodynamic drag that resulted in 187 miles per gallon equivalent, MPGe, in combined on–track and laboratory efficiency testing, and a 14.7 second zero-to-60 mph acceleration time. The vehicle also has a range of 100 miles in a real-world driving cycle.

This is a great day for all the individuals who work at Li-Ion Motors and helped make this amazing accomplishment. This company is now eligible for a U.S. Department of Energy program that will help ready highly efficient vehicles for introduction to the U.S. market.

SUPPORTING ARMS SALE TO TAIWAN

HON. PETE SESSIONS OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. SESSIONS. Madam Speaker, I rise today to express my strong support for strengthening the bilateral relationship the United States has with Taiwan. Taiwan is an important ally and trading partner, and we must continue to support its defense.

Taiwan faces a continuous threat from the People’s Republic of China, PRC, and must be capable of defending itself in the event of an attack. Section 2(b)(4) of the 1979 Taiwan Relations Act, which is the cornerstone of United States-Taiwan relations, declares that it is the policy of the United States “to consider any effort to determine the future of Taiwan by other than peaceful means, including by boycotts or embargoes, a threat to the peace and security of the Western Pacific area and of grave concern to the United States.” Section 3(b) of the Act stipulates that both the President and Congress shall determine the nature and quantity of defense articles and services that Taiwan needs.

On January 29, 2010 the Obama Administration announced to Congress a planned arms package to Taiwan totaling $6.4 billion. The package included 114 Patriot PAC–3 missiles, 60 Black Hawk helicopters, 12 Harpoon missiles for training purposes, two Osprey class refurbished mine hunters, and military communication equipment. This package was extremely significant and will help ensure the security of the Taiwan Strait. However, this package did not include the 66 F–16 fighter aircrafts, which were requested by Taiwan in 2006. I request that the Obama Administration give full, prompt, and fair consideration to Taiwan’s request for the F–16 fighter aircrafts.

HONORING AND CELEBRATING THE 50TH WEDDING ANNIVERSARY OF VAN P. AND MARGARET SMITH

HON. MIKE PENCE OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. PENCE. Madam Speaker, I rise today to honor Van P. and Margaret Smith—of Muncie, Indiana—on the extraordinary occasion of their fiftieth wedding anniversary. Their dedication to one another, their family, their friends, and their community is a shining example of the foundational values which have made this nation great.

Margaret Ann Kennedy, born October 27, 1934, in Chicago, Illinois, moved to Muncie with her family as a young girl. There she attended Muncie Central High School and graduated from Ball State University in 1956 with a degree in Education. She went on to teach at Washington Elementary School in Muncie from 1956 to 1961.

Van P. Smith was born on September 8, 1933, in Oneida, New York. He graduated from Colgate University with a degree in Public Administration and Economics in 1950, and from Georgetown University with a Doctor of Jurisprudence in 1955. He has also received
honor of his achievements and his principles.

Mr. Cassel is predeceased by his first wife, Eve. He is survived by his daughter, Claire Cassel; his granddaughter, Judith Cassel Williams; and two great-grandchildren. Mr. Cassel was also a member of the American Legion, the Mennonite relief warehouse, and the VFW.

Mr. Cassel is a shining example of what it means to serve one's country and community. His dedication to his family, his community, and his country will be remembered forever.

IN HONOR OF THE LEBANON REGIONAL FFA CHAPTER FOR PLACING SECOND AT THE EASTERN REGIONAL FFA DAIRY PRODUCTS CONTEST AND QUALIFYING FOR NATIONALS

HON. JOE COURTNEY
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 28, 2010

Mr. COURTNEY. Madam Speaker, I rise today to honor Lyman Memorial High School students Rachel Mackewicz, Kelly Pestley, Erin White and Emily Von Edwins. I want to offer my congratulations to these students who placed second at the Eastern Regional FFA Dairy Products Contest on September 18, 2010.

These students, along with their faculty advisor Mrs. Brenda Wildes, honorably represented themselves, their family and their community at the Eastern Regional FFA Dairy Products contest. By finishing in second place, the team not only placed higher than any previous Lebanon FFA team, but also qualified to compete for the national title at the National FFA Convention.

Since it was founded in 1928, The Future Farmers of America has promoted agricultural education for millions of students across the country. FFA’s commitment to bringing students, teachers and agribusiness together helps to ensure that each generation of our nation’s leaders comes equipped with the agricultural understanding necessary to lead our country. Last summer, I was fortunate enough to meet with some of these impressive young leaders at the Connecticut state FFA convention and saw firsthand the important impact the FFA has on middle and high school students across the country.

A TRIBUTE TO JWCH INSTITUTE ON THE OCCASION OF THE NON-PROFIT ORGANIZATION’S 50TH ANNIVERSARY OF PROVIDING QUALITY AND AFFORDABLE HEALTH CARE TO THE COUNTY’S UNDERSERVED COMMUNITIES

HON. LUCILLE ROYBAL-ALLARD
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 28, 2010

Ms. ROYBAL-ALLARD. Madam Speaker, I rise today to recognize the John Wesley Community Health Institute—also known as the...
CONGRATULATING CATHERINE MAY AND DAN ABBOTT, TEMPE COMMUNITY COUNCIL’S 2010 HUMANITARIANS OF THE YEAR

HON. HARRY E. MITCHELL
ARIZONA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 28, 2010

Mr. MITCHELL. Madam Speaker, I rise today to congratulate Catherine May and Dan Abbott, the Tempe couple recently named the 2010 Don Carlos Humanitarians of the Year by the Tempe Community Council. The Tempe Community Council was founded in 1972 with the mission of “connecting those in need with those who care,” and has been honoring exceptional individuals with the Don Carlos Humanitarian Award for the past 26 years. This award honors a Tempe resident or couple who upholds the humanitarian ideals of Charles Trumbull Hayden, Tempe’s founder, referred to as “Don Carlos” by Hispanic pioneers due to his generosity and compassion for people in need. Both Catherine and Dan truly live a life of generosity and compassion and are both incredibly deserving of this award.

Catherine, a senior research analyst for the Salt River Project and Dan, a retired social worker who specialized in emotionally disturbed youths, were both active volunteers prior to their marriage fifteen years ago, and have been enthusiastically volunteering ever since. Both are involved with the University Presbyterian Church which has been a big influence in their outreach efforts. Their outreach into the community touches on human issues at both the state and community levels and includes hunger, homelessness, mental health, counseling, child abuse prevention, GLBT tolerance advocacy and humane treatment of documented workers.

Catherine and Dan’s direct influences on the community are numerous and include the annual Tempe Empty Bowls event. Catherine and Dan made the original proposal to establish the event which has since raised more than $100,000 for the Tempe Community Action Agency and United Food Bank.

Madam Speaker, please join me in congratulating Catherine May and Dan Abbott for their well deserved recognition as the 2010 Don Carlos Humanitarians of the Year. Couples like Catherine and Dan help strengthen our communities and our nation.

HONORING DR. HOWARD W. JONES, JR., PIONEER IN REPRODUCTIVE MEDICINE

HON. DIANA DeGETTE
COLORADO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 28, 2010

Ms. DeGETTE. Madam Speaker, today, I raise in honor of Dr. Howard W. Jones, Jr., a pioneer in the field of reproductive medicine, whose revolutionary work alongside that of his late wife, Dr. Georganna Seegar Jones, led to the birth of the first American baby born of in vitro fertilization nearly 30 years ago. Together Dr. Howard and Georganna Jones, and the procedure they perfected, offered hope and happiness to thousands of American couples struggling with diseases and conditions that stilled their dreams of building a family. Dr. Jones celebrates his centennial birthday this year and here, we salute his accomplished life.

Today infertility affects 1 in 8 couples. But the in vitro techniques developed by the Jones team, and the subsequent advancements in the field of reproductive medicine, have repeatedly proven to be safe and effective, producing millions of successful pregnancies, happy parents and healthy babies worldwide. Dr. Jones will be recognized at the 66th Annual Meeting of the American Society of Reproductive Medicine to be held in Orange, California in late October and I am pleased to be able to salute his career here on the floor of the U.S. House of Representatives today.

As my colleagues know, I have been a strong advocate in Congress for scientific advancement. I have worked to strengthen federal support for scientific research, including embryonic stem cell research, which potentially holds so much promise for the millions of Americans who are living with debilitating diseases such as Parkinson’s, diabetes, and spinal cord injury. Federal funding of this vital research is in jeopardy, and I stand ready to work with my colleagues to remedy problems that undermine scientific advancement, just as Dr. Jones was willing and eager to ensure that groundbreaking research in the field of reproductive medicine was developed and employed.

And so I thank Dr. Jones for the optimism and determination he and his wife exhibited in paving a path for scientific advancement and for the contributions he has made throughout his career in improving the lives of those suffering from infertility. Happy 100th Birthday, Dr. Jones.
HON. GERALD E. CONNOLLY
DEPUTY CHAIRMAN
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 28, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize the 7th Annual Kit’s Miracle Mile and Brain Injury Services, Inc.

IN RECOGNITION OF THE 7TH ANNUAL KIT’S MIRACLE MILE AND BRAIN INJURY SERVICES, INC.

HON. CLIFF STEARNS
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 28, 2010

Mr. STEARNS. Madam Speaker, I rise today to honor a great Floridian, an internationally recognized leader in the equestrian world, founder of the Florida Carriage Museum, and the president of the Equine Heritage Institute—Ms. Gloria Austin of Weirsdale, Florida.

Ms. Austin has been justifiably credited with being responsible for educating, celebrating and preserving the history of the horse and its role in shaping world civilization and changing lives through the creation of the Florida Carriage Museum and Equine Heritage Institute.

Ms. Austin brings to her passion for all things equine an astute understanding of how beneficial involvement with horses can be to those who have development and/or physical disabilities. She has a long and storied history of actively advocating for this needy population with both financial and therapeutic support.

She has recently expanded her support into the area of providing assistance to include helping physically and mentally challenged service veterans. Her willingness to give back to those who have given so much has been justifiably lauded by numerous veterans groups as commendable.

I would be remiss if I did not acknowledge that Ms. Austin has been involved with the equestine world for almost 7 decades. I have stated many of her outstanding accomplishments, but perhaps her greatest legacy to equestrian society will through her establishment of meaningful educational programs offered in the partnership with leading collegiate educational institutions, and the creation of the highly acclaimed Florida Carriage Museum. These attributes will have a lasting impact well beyond the lifespan of Ms. Austin.

Madam Speaker, please join me in honoring this outstanding leader and benefactor for her humanitarian accomplishments in the equestrian world.

HONORING GLORIA AUSTIN
OF VIRGINIA

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,

H. CON. RES. 12

Mr. CONNOLLY. Madam Speaker, I rise to support my colleague Mr. WALSH of Massachusetts, and to strongly support Mr. Christopher Coates’s decision to comply with a federal subpoena to appear before the Commission on Civil Rights. I also wanted to make you aware that prior to appearing before the commission, Mr. Coates contacted me to discuss similar information to the equal enforcement of federal voting laws.

Mr. Coates has every right to bring this information to a Member of Congress as well as a responsibility to the Commission’s subpoena, despite the department’s obstruction. I trust that Mr. Coates will face no repercussion for his decision and expect you to inform political and career supervisors to respect his decision.

As you are aware, the 1912 Anti-Gag Legislation and Whistleblower Protection Laws for Federal Employees guaranteed that “the right of any persons employed in the civil service . . . to petition Congress, or any Member thereof, or to furnish information to either House of Congress, or to any committee or member thereof, shall not be denied or interfered with.” (37 Stat. 555, 1912; codified at 5 U.S.C. 7211, 1994)

Additionally, you should be aware that federal officials who deny or interfere with employees’ rights to furnish information to Congress are not entitled to have their salaries paid by the taxpayers. As ranking member on the House Commerce-Justice-Science Appropriations subcommittee, I assure you that I take this statute very seriously and will do everything in my power to enforce it should any negative actions be taken against Mr. Coates as a result of his decision to contact Congress and appear before the commission.

A copy of this letter and Mr. Coates’s testimony before the commission will be submitted to the Congressional Record for public review.

Sincerely,
FRANK R. WOLF
Member of Congress

TESTIMONY OF CHRISTOPHER COATES—U.S. COMMISSION ON CIVIL RIGHTS, SEPTEMBER 24, 2010

Good morning, Chairman Reynolds, Vice-Chair Theremstrom, and other members of this Commission. I am here to testify about the Department of Justice’s (DOJ) final disposition of the New Black Panther Party (NBPP) case and the hostility in the Civil Rights Division (CRD) and Voting Section toward the equal enforcement of some of the federal voting laws.

This Commission served me with a subpoena in December 2009 to testify in its investigation of the DOJ’s action in the NBPP case. Since service of that subpoena, I have been instructed by DOJ officials not to comply with it. I have communicated with these officials, including Assistant Attorney General for Civil Rights, Thomas Perez, and expressed my view that I should be allowed to testify concerning this important civil rights enforcement issue. I have found out that I have personal knowledge that is relevant to your investigation—personal knowledge that Mr. Perez does not have because he was not serving as AAG for Civil Rights at the time of the final disposition of the NBPP case. My requests to be allowed to testify and your repeated requests to the DOJ for it to allow me to respond to the lawfully-issued subpoena have all been denied.

Mr. Coates, Madam Speaker, I submit a copy of my September 23, 2010, letter to Attorney General Holder strongly supporting the decision of Mr. Christopher Coates to comply with a subpoena to appear before the U.S. Commission on Civil Rights. Mr. Coates contacted me prior to his testimony to share this information and he requested all applicable federal whistleblower protections.

I also submit a portion of Mr. Coates’ testimony before the U.S. Commission on Civil Rights in which he discusses the unequal enforcement of federal voting laws by political and career officials in the Department of Justice.
Furthermore, I have reviewed the written statements and the testimony that Mr. Perez and others from the DOJ have given to this Commission and to Congress concerning the CRD’s activities, including enforcement activities in the NBPP case. In addition, I have reviewed Mr. Perez’ August 11, 2010 letter to this Commission in which he asked me to testify. I believe I have already testified under oath in front of this Commission and in the DOJ and have previously testified to the Senate Judiciary Committee on this subject, and am claiming the protections of all applicable laws that have existed in connection with my efforts to testify in front of this Commission and in the DOJ. I believe that my testimony respecting the fact that I hold the position of Chairman of the local Democratic Executive Committee in Mississippi and have been a Voting Rights attorney in Mississippi for over thirty years, and that I have a duty to allow such a result to occur, is not only for the public good, but also for the public good.

In giving this testimony, I do not claim that Mr. Perez has knowingly given false testimony to either this Commission or to Congress. Indeed, as I have previously indicated, Mr. Perez and those in the CRD in the Commission and the DOJ at the time that the decisions were made in the NBPP case and the CRD’s disposition of the NBPP case and the environment that existed and continues to exist in the CRD and in the Voting Section, and fair enforcement of the VRA is a matter of concern. Based upon my own personal knowledge of the events surrounding the CRD’s actions in the NBPP case and the atmosphere that has existed and continues to exist in the CRD and in the Voting Section, and fair enforcement of a case that was not the subject of a complaint that I have not observed, and I do not believe these representations to this Commission accurately reflect what occurred in the NBPP case and do not reflect the atmosphere that has existed in the CRD for a long time against race-neutral enforcement of the Voting Rights Act (VRA).

In giving this testimony, I do not claim that Mr. Perez has knowingly given false testimony to either this Commission or to Congress. Indeed, as I have previously indicated, Mr. Perez and those in the CRD in the Commission and the DOJ at the time that the decisions were made in the NBPP case and the CRD’s disposition of the NBPP case and the environment that existed and continues to exist in the CRD and in the Voting Section, and fair enforcement of the VRA is a matter of concern. Based upon my own personal knowledge of the events surrounding the CRD’s actions in the NBPP case and the atmosphere that has existed and continues to exist in the CRD and in the Voting Section, and fair enforcement of a case that was not the subject of a complaint that I have not observed, and I do not believe these representations to this Commission accurately reflect what occurred in the NBPP case and do not reflect the atmosphere that has existed in the CRD for a long time against race-neutral enforcement of the Voting Rights Act (VRA).

I did not lightly decide to comply with your subpoena in contradiction to the DOJ’s directives not to testify. I had hoped that this controversy would not come to this point; however, I have determined that I will no longer fail to respond to your subpoena and thereby fail to provide this Commission accurate information pertinent to your investigation. Quite simply, if incorrect representations are going to successfully thwart inquiry into the systemic problems regarding racial discrimination that exist in the CRD—problems that were manifested in the DOJ’s disposition of the NBPP case—and that end is not going to be furthered or accomplished by me being silent by the direction of my supervisors while incorrect information is provided. I do not believe that I am professionally, ethically, legally, much less, morally bound to allow such a result to occur. In addition, in giving this testimony I am claiming the protections of all applicable federal whistleblower statutes.

On the other hand, in giving this testimony I will not answer questions which will require me to disclose communications in the NBPP case that are protected by the duly authorized privilege. That privilege has been asserted in this matter in my opinion, be protected while at the same time, I can provide you information that will enable you to conduct your investigation—and indeed, first hand information that I will not have if I do not testify—that respects the privilege.

THE IKE BROWN CASE

To understand what occurred in the NBPP case, those action must be placed in the context of United States v. Ike Brown et al. Prior to the filing of the Brown case in 2005, the Brown case was one of the earlier cases on which the VRA in which it claimed that white voters had been subjected to racial discrimination by defendants who were African American or members of other minority groups. Moreover, the CRD and the Voting Section had never objected to any voting change that I filed in my capacity as Section 5 of the VRA on the ground that the change had a racially discriminatory purpose or effect on white voters. (No such objection, agreement, or agreement that a minority-mi- nority populations, has been interposed to date. I will return to that subject later in my presentation.) I am very familiar with the ongoing investigation of both the CRD and the Voting Section to the extent that I was the attorney who initiated and led the investigation in that matter and was the lead trial attorney throughout the case in the trial court.

Opposition within the Voting Section was widespread to taking actions under the VRA on behalf of white voters in Noxubee County. MS, the jurisdiction in which Ike Brown is and was the Chairman of the local Democratic Executive Committee. In 2005, white voters and candidates complained to the Voting Section of the Bush Administration’s enforcement of certain federal voting laws, and I do not believe these representations to this Commission accurately reflect what occurred in the NBPP case and do not reflect the atmosphere that has existed in the CRD for a long time against race-neutral enforcement of the Voting Rights Act (VRA).

In giving this testimony, I do not claim that Mr. Perez has knowingly given false testimony to either this Commission or to Congress. Indeed, as I have previously indicated, Mr. Perez and those in the CRD in the Commission and the DOJ at the time that the decisions were made in the NBPP case, and he may not be fully aware of the long-term hostility to the race-neutral enforcement of the VRA in either the CRD or in the Voting Section. Instead, my testimony that DOJ’s public representa- tions to this Commission and other entities do not accurately reflect what caused the dismissals of three defendants in the NBPP case and the very limited injunctive relief obtained against the remaining defendant, and they do not accurately describe the long-standing opposition in the CRD and in the Voting Section to the equal enforcement of the provisions of the VRA.

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correct in claiming that a number of these groups are opposed to the race-neutral enforcement of the VRA, that they only want the Act enforced for the benefit of racial minorities, and that they had complained bitterly about the Ike Brown case. But of course, what Mr. Kappelhoff had not factored in his criticism of the Brown case was that the person Mr. Kappelhoff had to enforce the civil rights laws enacted by Congress, not to serve as a “crowd pleaser” for many of the civil rights groups.

Many of those groups on the issue of race-neutral enforcement of the VRA frankly have not pursued the goal of equal protection of the law. Instead, many of these groups act, as they did in the Brown case, not as civil rights groups, but as special interest lobbies for racial and ethnic minorities and demand no equal treatment, but enforcement of the VRA only for racial and language minorities. Such a claim for unequal treatment is the ultimate demand for preferential racial treatment.

When I became Chief of the Voting Section in 2008 and because I had experienced, as I have described, employees in the Voting Section refusing to work on the Ike Brown case, I began to ask applicants for trial attorney positions in their job interviews whether they were willing to enforce the VRA in a race-neutral manner, was appointed as Acting Assistant Attorney General for Civil Rights. And Loretta King, the person who forbid me in any way, in her opinion, weigh against minority election officials would not have problem working on a case involving white victims such as in the Ike Brown case.

I was asking applicants that question got back to Loretta King. In the spring of 2008, Ms. King, who by then had been appointed Acting AAG for Civil Rights by the Obama Administration, called me to her office and specifically instructed me that I was not to ask any other applicant questions about their obvious reasons, I did not want to hire people who were politically or ideologically opposed to the equal enforcement of the voting statutes the Voting Section is charged with enforcing. The asking of this question in job interviews did not, to my knowledge, cause any problems with the applicants to whom I asked that question, for example, an African applicant to whom I asked the question responded that he or she would have no problem working on a case involving white victims such as in the Ike Brown case.

However, word that I was asking applicants that question got back to Loretta King. In the spring of 2008, Ms. King, who by then had been appointed Acting AAG for Civil Rights by the Obama Administration, called me to her office and specifically instructed me that I was not to ask any other applicant questions about their obvious reasons, I did not want to hire people who were politically or ideologically opposed to the equal enforcement of the VRA, and had been critically of the filing and civil prosecution of the Ike Brown case. The election of President Obama brought to positions of influence and power within the CRD many of the very people who had demonstrated hostility to the concept of equal enforcement of the VRA. For example, Mr. Kappelhoff, who had complained in 2008 that the Brown case had caused problems with civil rights groups, was appointed as the Acting Chief of Staff for the entire CRD. And Loretta King, the person who forbid me even to ask any applicants for a Voting Section position whether he or she would be willing to enforce the VRA in a race-neutral manner, was appointed as Acting Assistant Attorney General for Civil Rights.

Furthermore, one of the groups who had opposed the civil prosecution of the Brown case the most adamantly was the NAACP Legal Defense Fund (LDF), through its Director of Political Participation, Kristin Clark. Ms. Clarke has spent a considerable amount of her time attacking the CRD’s decision to file and prosecute the Ike Brown case. She threatened Chuck Becker, the Acting AAG for Civil Rights during the last year of the Bush Administration, and I were involved in a meeting in the fall of 2008 with representatives from civil rights organizations concerning the Division’s preparations for the 2008 general election. At this meeting Ms. Clarke spent considerable time criticizing the Division and the Voting Section for bringing the Brown case when, in fact, the district court had already ruled in the case. Indeed, it was reported to me that Ms. Clarke approached an American civil attorney who had been working in the Voting Section for only a short period of time in the winter of 2009 before the dismissals in the NBPP case and asked that attorney when the NBPP case was going to be dismissed. The Voting Section attorney to whom I refer was not even involved in the NBPP case. This reported incident led me to believe in 2009 that LDF Political Participation Director, Ms. Clarke, was lobbying for the dismissal of the NBPP case.

Ms. King took offense that I was asking such a question, and I explained to her that I was not asking these questions to make any decision about hiring an applicant, but in an effort to find out if the applicant was willing to follow the law. Ms. King took offense that I was asking such a question of job applicants and directed me not to ask it. She does not support equal enforcement of the provisions of the VRA and had been highly critical of the filing and civil prosecution of the Ike Brown case.

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HONORING BETH JEWELL, RECIPIENT OF THE 2010 NATIONAL MARINE EDUCATION ASSOCIATION OUTSTANDING TEACHER AWARD

HON. DALY, OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 28, 2010

Mr. DENTON of Indiana. Madam Speaker, today I rise to honor the life of a distinguished physician, civil rights activist, and war hero, Dr. Roland Chamblee of South Bend, Indiana. Sadly, Dr. Chamblee passed away on September 23, 2010 at the age of 86. Dr. Chamblee was born on November 23, 1923 in Waycross, Georgia. He served in World War II, achieved the rank of First Lieutenant with the Army Corps of Engineers in the European Theater of Operations, and received a Purple Heart for injuries suffered while disarming landmines in Normandy. Upon his return to the United States, Dr. Chamblee completed a Bachelor of Science degree from Tennessee State University and a PhD from Meharry Medical College.

In 1953, Dr. Chamblee, his first wife, Dorothy, and the first three of their six children moved to South Bend where he interned at St. Joseph Hospital. He established a medical practice one year later, becoming one of just a few African American doctors in the city. He went on to deliver several generations of babies, and his reputation for his gentle touch and dedication to making healthcare available to all. He and Dorothy raised six children: Michaela, Daryl, Roland Jr., Alan, Marquita, and Ruth. Dorothy passed away in 1995. He is survived by his second wife, Donna, whom he married in 2003, his six children, two step children, 14 grandchildren, and one great grandson.

Dr. Chamblee was a tireless champion for civil rights, served as the local president of the NAACP, Urban League, and United Negro College Fund, and attended the 1963 March on Washington. His devotion to human rights led him to take his wife and two youngest children to Uganda in 1972, where he provided health care for villagers, many of whom were impressed by the doctor who would actually touch them, despite the risk of contracting their diseases. He continued serving the poor when he returned to South Bend, becoming the co-founder and medical director of the Chapin Street Clinic, which provides health care to the uninsured.

Dr. Chamblee continued to promote public health as the director of the St. Joseph County Health Department. He has served on the boards of St. Joseph Regional Medical Center, Indiana University South Bend Board of Advisors, and Catholic Social Service, received an honorary doctoral degree from the University of Notre Dame, and was appointed by Pope Paul VI as a member of the Equestrian Order of the Knights of St. Gregory the Great, in recognition of his good character and notable accomplishments. He is the recipient of too many awards to count, having worked with numerous professional, service-related, and human rights organizations.

Despite his many professional successes, he considered his greatest accomplishment to be securing the safety of our communities across the nation by ensuring these products are used for their intended purpose, and not for illegal drugs.
be his children. His son, Judge Roland Chamblee Jr., noted that no matter how late he worked due to his service to others, the family always ate dinner together. He will be dearly missed by his family and all whose lives were touched by his friendliness, his generosity, and his devotion to fairness. It is with great pride and honor that I enter Dr. Roland Chamblee’s name into the United States Congressional Record.

HOLY REDEEMER HEALTH SYSTEM ANNIVERSARIES

HON. ALLYSON Y. SCHWARTZ OF PENNSYLVANIA IN THE HOUSE OF REPRESENTATIVES Tuesday, September 28, 2010

Ms. SCHWARTZ. Madam Speaker, I rise today to honor and congratulate Holy Redeemer Health System in Meadowbrook, Montgomery County, Pennsylvania on the momentous occasion of Holy Redeemer St. Joseph Manor’s 75-year and Holy Redeemer Hospital’s 50-year anniversaries. These milestones will be celebrated with an Anniversary Mass on Sunday, October 17, 2010.

In 1924, a group of Catholic Sisters journeyed from their home in Werzburg, Germany, to Baltimore, Maryland, and then Philadelphia, Pennsylvania to continue their ministry of service to those challenged by poverty and illness. The Sisters cared for the sick and elderly in their homes. Through their homecare visits, they recognized the need for a home for the elderly to provide for their security, as well as their spiritual and physical comfort. To meet this need, they purchased a 45-acre estate in Meadowbrook, Pennsylvania and in 1936 celebrated the groundbreaking for Holy Redeemer St. Joseph Manor.

St. Joseph Manor opened its doors on June 11, 1937, accepting the first 125 residents. In its beginning days, the Sisters ran the Manor and did all of the nursing, cooking, cleaning, washing, and gardening as a demonstration of their heartfelt care for all of the residents. St. Joseph Manor was funded solely on donations, “built by good people for the good of people.” As time went on, the Sisters desired to realize their dream of providing a hospital for Northeast Philadelphia and Montgomery County grew ever stronger. In the mid-1950s the Sisters donated a portion of their land to build Holy Redeemer Hospital. The Sisters, along with civic-minded citizens and friends, raised the funds for the construction of the $3.5 million, 217-bed community hospital which was dedicated on December 8, 1958 and officially opened in March 1959.

Throughout St. Joseph Manor’s 75-year and Holy Redeemer Hospital’s 50-year history, buildings have expanded, updated technology, and developed treatment techniques. What has remained constant is the unwavering commitment to “care, comfort and heal those under the health system’s care.” The Holy Redeemer Health System has grown to include nearly 4000 staff members who provide services through the Delaware Valley and in 11 counties in New Jersey.

Please join me in wishing Holy Redeemer Health System congratulations on these milestone anniversaries. I am proud to have had the privilege of visiting the Hospital itself and representing Holy Redeemer in the U.S. Congress.

RECOGNITION OF A NEW POST-GRADUATE PROGRAM IN DENTISTRY OF THE UNITED STATES AIR FORCE

HON. DONNA F. EDWARDS OF MARYLAND IN THE HOUSE OF REPRESENTATIVES Tuesday, September 28, 2010

Ms. EDWARDS of Maryland. Madam Speaker, I rise today in recognition of a new postgraduate educational program in dentistry of the United States Air Force. The Uniformed Services University of the Health Sciences, USUHS, and the United States Air Force, USAF, Dental Service have collaborated to provide a Master of Science in Oral Biology. The recently accredited USAF Postgraduate School of Dentistry is a unique partnership between USUHS and the 59th Medical Wing at Wilford Hall Medical Center on Lackland Air Force Base, Texas. The newly established Air Force postgraduate educational program in dentistry will give our airmen and women the opportunity to receive an accredited master’s degree in oral biology for the first time in its history. The initiative was spearheaded by Major General Gar S. Graham, Assistant Surgeon General for Dental Services and Commander of the 79th Medical Wing at Joint Base Andrews, Maryland. This is another step towards fulfilling our commitment to providing our servicemembers with the educational opportunities they deserve. The class of summer 2010 will be the first class eligible to receive this prestigious degree through USUHS.

CONGRATULATING JUDGE JAMES LAWRENCE KING FOR HIS 40TH ANNIVERSARY OF HIS INVESTURE AS A UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA

HON. ALCEE L. HASTINGS OF FLORIDA IN THE HOUSE OF REPRESENTATIVES Tuesday, September 28, 2010

Mr. HASTINGS of Florida. Madam Speaker, I rise today to congratulate Judge James Lawrence King on the 40th anniversary of his investiture as a United States District Judge for the Southern District of Florida. Judge King was nominated by President Richard Nixon for his appointment as a United States District Judge for the Southern District of Florida in 1970. Judge King was approved by the Senate and sworn in later that year. In 1984, Judge King was elevated to Chief Judge of the Southern District of Florida, where he served for the duration of his seven year term ending in 1991. In 1992, Judge King achieved Senior Judge status.

Throughout his career, Judge King has carried himself with great integrity, respect, and dedication in everything he has done for both his profession and community. After graduating from the University of Florida College of Law, Judge King served active duty as a First Lieutenant in the Air Force Judge Advocacy General’s Department during the Korean War. In 1955, Judge King began his career in private practice, joining the Miami Beach law firm of Sibley & Davis as an associate. Judge King advocated in private practice until 1964, when he was appointed Circuit Judge for the Eleventh Judicial Circuit of Florida. Judge King remained on the Eleventh Circuit until his appointment to the federal bench in 1970. During his time on the Eleventh Circuit, Judge King served temporary appointments to the Florida Supreme Court as well as the Second, Third, and Fourth District Courts of Appeal of Florida.

Judge King has been recognized on numerous occasions throughout the state of Florida including the Lifetime Achievement Award from the Greater Miami Jewish Federation Commerce and Professions Division and an honorary Doctorate of Humanities from St. Thomas University. He has been the commencement speaker at both the University of Florida College of Law and St. Thomas University School of Law. On April 30, 1996, the United States Congress renamed the United States Courthouse in Miami: The James Lawrence King Federal Justice Building.

The Judge is my personal friend of long-standing. I know no one that has done more to insure justice, fairness, and equality.

Madam Speaker, I rise to recognize Judge King for his dedication to the legal profession, public service, and to the South Florida community as a whole. I take this moment of personal privilege to acknowledge his service to our nation and the many years of friendship we have enjoyed together.

HONORING MOTHER NORMA L. BURRELL

HON. DALE KILDEE OF MICHIGAN IN THE HOUSE OF REPRESENTATIVES Tuesday, September 28, 2010

Mr. KILDEE. Madam Speaker, on September 25th through September 30th the Northeast Michigan (Historic First) Jurisdiction Church of God in Christ, Incorporated is holding its 59th Jurisdictional Women’s Convention at Civic Heights Church of God in Christ in my hometown of Flint, Michigan. The host will be Mt. Zion District Superintendent Samuel Marsh, District Missionary is Jessie Wortham and Bishop P.A. Brooks is the Jurisdictional Prelate, First Assistant Presiding Bishop, Church of God in Christ Worldwide.

Presiding at the Convention is Mother Norma L. Burrell, Jurisdictional Supervisor. Mother Burrell has an extensive history of church service going back to 1955 when she received her Missionary’s License. She has served under and received appointments from each successive Supervisor of Women in the historic First Jurisdiction of Michigan since that time. Mother Burrell is the 7th Supervisor in the Succession. She has also held appointments in the National Women’s Department of the Church of God in Christ for more than 50 years.

Mother Burrell attended Baker Business College, Cortez Peters College of Business and Northwestern University. When she retired from Child and Family Services after 29 years of service, she was the Comptroller of Finance. She was married to the late Pastor Arthur George Burrell and has three children from a previous marriage.

Madam Speaker, please join me in congratulating Mother Norma L. Burrell as she presides over the 59th Jurisdictional Women’s Convention.
Convention. I pray that the attendees benefit from her spiritual guidance, her deep faith in Our Lord, Jesus Christ, and draw inspiration from her enthusiasm for spreading the Gospel.

HONORING JOHN W. HARROD
OF THE DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010
Ms. NORTON. Madam Speaker, I rise today to ask the House of Representatives to join me in honoring the life of John W. Harrod, who was instrumental in establishing the Market 5 Art Gallery in Washington, D.C. and was its president during 30 years of devoted service to the Market 5 Art Gallery.

In the late 1970s, the first District of Columbia Mayor, Walter E. Washington, started a neighborhood arts initiative, and Mr. Harrod launched the Market 5 Art Gallery. The community encouraged Mr. Harrod’s work in establishing a facility for comprehensive artistic expression, including poetry readings, dance performances, and theater productions, as well as a workspace for artists, musicians, and theater troupes.

Through the Market 5 Art Gallery, John Harrod committed himself to serving the community and filling the void in artistic education in the neighborhood. With John’s assistance, a colleague from the Peace Corps was able to start a photography shop for at-risk youth. Throughout its 30 years in the Capitol Hill neighborhood, Market 5 Art Gallery has served as an exhibitor of work by aspiring youth and local and national artists. Market 5 Art Gallery grew in popularity through the Saturday arts and crafts festivals and Sunday flea markets. The gallery remains an indispensable fixture of the community and serves as a prototype for art galleries.

Mr. Harrod graduated from Northeastern University, where he played football. Mr. Harrod was a District native and maintained residency here throughout his 69 years.

Madam Speaker, I ask the House of Representatives to join me in celebrating the life of John W. Harrod.

HONORING CAPTAIN GEORGE M. VUJNOVICH

HON. DAN BURTON
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010
Mr. BURTON of Indiana. Madam Speaker, as co-founder and co-chair of the Congressional Serbian Caucus, I rise tonight to honor an outstanding Serbian-American, Captain (Ret.) George M. Vujnovich, who was recently awarded the Bronze Star Medal, for his heroic actions during World War II.

The Bronze Star is awarded to military service personnel for bravery, acts of merit or meritorious service. When awarded for bravery, it is the fourth-highest combat award of the United States Armed Forces. Captain Vujnovich’s participation in the planning and execution of Operation Halyard—one of the most successful air force rescue missions in history and an operation so secret that the records were only declassified in 1997—certainly exemplifies the heroism required to receive this prestigious military honor.

Captain Vujnovich served with the Office of Strategic Services, the predecessor of the modern Central Intelligence Agency, CIA, and the wartime organization charged with coordinating activities behind enemy lines for the branches of the United States military. Operation Halyard evolved in the wake of the Allied bombing campaign to destroy Nazi Germany’s vast network of petroleum resources in occupied Eastern Europe. The most vital target of bombing was the facilities located in Ploesti, Romania, which supplied 35 percent of Germany’s wartime petroleum. Beginning in April 1944, bombers of the Fifteenth Air Force began a relentless campaign to blast the heavily guarded facilities in Ploesti in an attempt to halt petroleum production altogether. By August, Ploesti was virtually destroyed—but at the cost of 350 bombers lost, with their crews either killed, captured, or missing in action.

The arsenal of Ploesti forced hundreds of Allied airmen to bail out over Nazi-occupied eastern Serbia, an area patrolled by the Allied-friendly Chetnik guerrilla army. When the Chetnik commander, General Draza Mihailovich, realized that Allied airmen were parachuting into his territory, he ordered his troops, as well as passersby, to aid the aviators by taking them to Chetnik headquarters in Pranjani, Serbia, for evacuation.

General Mihailovich’s attempts to alert American authorities to the situation regrettably initially failed to produce action. Fortunately, it was when Mirjana Vujnovich, a Serb employee of the Yugoslav embassy in Washington, DC, heard of the trapped airmen, she immediately wrote to her husband, Captain Vujnovich, stationed in Bari, Italy. As an American, descended from Serb parents, Vujnovich knew the region intimately and also knew how to escape from Nazi-occupied territory: he had been a medical student in Belgrade when Yugoslavia fell to the Axis powers in 1941, and he and his wife spent months sneaking through minefields and begging for visas so they could eventually escaped from Nazi-occupied Europe.

Captain Vujnovich made it his personal crusade to get the airmen home. From the outset, however, Operation Halyard encountered opposition fromHON. DANIEL E. LUNGREN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010
Mr. DANIEL E. LUNGREN of California. Madam Speaker, I rise today to recognize and honor the Deterding family for its legacy to Carmichael, California.

After the marriage between Charles Deterding and Mary Shields in 1894, along with their three children they farmed the American River during the dry months to claim their homestead. This is where Charles and Mary Deterding established their legacy in Carmichael—on 425 acres of farmland that they continued to plough and raise livestock.

The Deterdings’ San Juan Meadow Farm was named for the old Mexican land grant on which Carmichael was later established. Their original farmhouse was on a bluff above what is now Anci Hoffman Park. Clearing the land, they planted grains and raised livestock.

Mary’s lasting impression on Carmichael was her generosity. She donated wood for settlers’ cooking and heating. She was the first president of a local improvement club that eventually evolved into the Carmichael Chamber of Commerce. This visionary helped establish the irrigation company that became the Carmichael Water District.

A local school and an Arcade Park bear her name but Mary Deterding’s legacy stands tallest in Palm Drive. The avenue that once led to the Deterding farmstead is shaded by 88 date palms that Mary planted herself.

Younger generations of Deterdings have since included builders, property developers, teachers, landscapers, military and nursing careerists. In 2006, family ranks were reinforced by the famous McNulty babies—quadruplets. The only boy, Russ, is named for his great-grandfather.

Says patriarch Russ Deterding: “As Mary and Charles’ descendants, we have to admire how, 100 years ago, they survived such a challenging environment. Their work paved the way for what Daniel Carmichael developed. But nobody paved the way for Mary and Charles. They were the true pioneers.”

I am pleased to recognize and congratulate the Deterding family for over 100 years of contribution to the Carmichael community.

HONORING STETSON UNIVERSITY’S COLLEGE OF LAW ON ITS 110TH ANNIVERSARY

HON. GUS M. BILIRAKIS
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010
Mr. BILIRAKIS. Madam Speaker, I rise today to honor Stetson University’s College of Law for its important role in providing legal education and training to students. The college was founded in 1901 and has since graduated thousands of attorneys who have gone on to make significant contributions to the legal profession.

Today, Stetson University’s College of Law is one of the country’s leading law schools, offering a wide range of legal programs and degrees. The college is proud of its commitment to excellence in legal education and remains dedicated to preparing future attorneys to serve society with integrity and professionalism.

I am pleased to honor Stetson University’s College of Law on its 110th anniversary and to recognize the important contributions it has made to the legal community and to the nation as a whole.
Law as it celebrates its 110th anniversary. Founded in 1900 in DeLand, Stetson was Florida’s first law school. In 1954, the Law School moved to Gulfport, where a handful of students began classes. Today, it boasts an enrollment of more than 1,100 students.

As a proud graduate of Stetson Law School, I can attest to the esteemed community fostered by Stetson University’s College of Law in which students learn the skills necessary to become excellent lawyers and effective leaders in society.

In addition to the acclaim received from its students, the law school has earned national and international attention for its exceptional programs in advocacy, elder law, environmental and biodiversity law, higher education law and policy, international law, legal writing, and professionalism.

Stetson University’s College of Law has educated thousands of outstanding lawyers, judges, and community leaders over the past 110 years. My experience at Stetson Law nurtured my love of the law, which eventually led me to a career in public service as a member of the U.S. Congress.

Stetson has been a beneficiary of the work of philanthropists like Dolly and Homer Hand. Mrs. Hand holds the admirable designation of being Stetson Law’s youngest graduate at the age of 20; additionally, she and her husband have also made tremendous contributions to the law school, as well as education throughout the State of Florida. Generations of Stetson graduates will surely benefit from the generosity of their contributions.

Madam Speaker I am truly honored to call Stetson Law School my alma mater and recognize it on its 110th anniversary. I look forward to watching future community leaders and scholars graduate and contribute to our Nation.

HONORING THE LADIES AUXILIARY OF THE BOONTON FIRE DEPARTMENT

HON. RODNEY P. FRELINGHUYSEN OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to honor the members of the Ladies Auxiliary of the Boonton Fire Department located in Morris County, New Jersey, as they celebrate 75 years of dedicated service to the community.

The Ladies Auxiliary of the Boonton Fire Department plays a vital role in the continued success of the Boonton Fire Department. From assisting at fire scenes, marching in parades, helping the fire department sponsor the Labor Day Celebration and raising funds, the Ladies Auxiliary has been a constant supporter of the fire department.

Every year, the Ladies Auxiliary holds numerous fundraisers, including bake sales, spaghetti dinners, and, for the past 20 years, a Tricky Tray. The funds generated from these events help supply new equipment for the department’s fire trucks and firehouse. They also provide the Auxiliary with the resources to support a number of organizations, including Boonton Welfare Department, Boonton Kiwanis Ambulance Squad, and St. Barnabas Burn Center. Without the hard, dedicated work of the Ladies Auxiliary, the fire department and the community would lack a necessary support system.

Members of the Ladies Auxiliary range in age from 19 to 85-plus years. Many of their members have been active for over 25 years while some have remained active for over 50.

This group of women is truly one to be admired and applauded, not only for their dedication to the Boonton Fire Department, but also for their remarkable dedication to the Town of Boonton.

Madam Speaker, I ask you and my colleagues to join me in congratulating the Ladies Auxiliary of the Boonton Fire Department as they celebrate 75 years of service.
**Chamber Action**

**Routine Proceedings, pages S7565–S7669**

**Measures Introduced:** Eighteen bills and eleven resolutions were introduced, as follows: S. 11, 3848–3864, and S. Res. 652–662. Pages S7618–19

**Measures Reported:**

S. 1816, to amend the Federal Water Pollution Control Act to improve and reauthorize the Chesapeake Bay Program, with an amendment in the nature of a substitute. (S. Rept. No. 111–333)

S. 679, to establish a research, development, demonstration, and commercial application program to promote research of appropriate technologies for heavy duty plug-in hybrid vehicles. (S. Rept. No. 111–334)

S. 2843, to provide for a program of research, development, demonstration, and commercial application in vehicle technologies at the Department of Energy, with an amendment in the nature of a substitute. (S. Rept. No. 111–335)

S. 3495, to promote the deployment of plug-in electric drive vehicles, with an amendment in the nature of a substitute. (S. Rept. No. 111–336)

S. 3184, to provide United States assistance for the purpose of eradicating severe forms of trafficking in children in eligible countries through the implementation of Child Protection Compacts. (S. Rept. No. 111–337)

H.R. 1345, to amend title 5, United States Code, to eliminate the discriminatory treatment of the District of Columbia under the provisions of law commonly referred to as the “Hatch Act”, with amendments.

S. 2847, to regulate the volume of audio on commercials, with an amendment in the nature of a substitute. Page S7615

**Measures Passed:**

**Stem Cell Therapeutic and Research Reauthorization Act:** Senate passed S. 3751, to amend the Stem Cell Therapeutic and Research Act of 2005, after agreeing to the committee amendment in the nature of a substitute. Page S7650

**Vietnam Veterans Memorial Visitor Center:** Senate passed H.R. 3689, to provide for an extension of the legislative authority of the Vietnam Veterans Memorial Fund, Inc. to establish a Vietnam Veterans Memorial visitor center. Page S7653

**Prevention of Interstate Commerce in Animal Crush Videos Act:** Committee on the Judiciary was discharged from further consideration of H.R. 5566, to amend title 18, United States Code, to prohibit interstate commerce in animal crush videos, and the bill was then passed, after agreeing to the following amendment proposed thereto:

Durbin (for Kyl) Amendment No. 4668, in the nature of a substitute. Page S7654

**Anti-Border Corruption Act:** Senate passed S. 3243, to require U.S. Customs and Border Protection to administer polygraph examinations to all applicants for law enforcement position with U.S. Customs and Border Protection, to require U.S. Customs and Border Protection to initiate all periodic background reinvestigations of certain law enforcement personnel, after agreeing to the committee amendment.

**Social Security Number Protection Act:** Committee on Finance was discharged from further consideration of S. 3789, to limit access to social security account numbers, and the bill was then passed. Page S7655

**Political Status Education in the Territory of Guam:** Committee on Energy and Natural Resources was discharged from further consideration of H.R. 3940, to clarify the availability of existing funds for political status education in the Territory of Guam, and the bill was then passed, after agreeing to the following amendments proposed thereto:

Durbin (for Bingaman) Amendment No. 4669, in the nature of a substitute. Pages S7655–56

Durbin (for Bingaman) Amendment No. 4670, to amend the title. Pages S7656

**5-Star Generals Commemorative Coin Act:** Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of H.R. 1177, to require the Secretary of the Treasury to
mint coins in recognition of 5 United States Army 5-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry “Hap” Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College, and the bill was then passed.  

Veterans’ Insurance and Health Care Improvements Act: Committee on Veterans’ Affairs was discharged from further consideration of H.R. 3219, to amend title 38, United States Code, and the Servicemembers Civil Relief Act to make certain improvements in the laws administered by the Secretary of Veterans Affairs, and the bill was then passed, after agreeing to the following amendments proposed thereto:  

Durbin (for Akaka) Amendment No. 4671, in the nature of a substitute.  

Durbin (for Akaka) Amendment No. 4672, to amend the title.  

Thailand Fulbright Program 60th Anniversary: Senate agreed to S. Res. 469, recognizing the 60th Anniversary of the Fulbright Program in Thailand.  

Feed America Day: Committee on the Judiciary was discharged from further consideration of S. Res. 646, designating Thursday, November 18, 2010, as “Feed America Day”, and the resolution was then agreed to.  

Honoring Alfred Lind: Senate agreed to S. Res. 652, honoring Mr. Alfred Lind for his dedicated service to the United States of America during World War II as a member of the Armed Forces and a prisoner of war, and for his tireless efforts on behalf of other members of the Armed Forces touched by war.  

Nuclear Weapons Program Workers Day: Senate agreed to S. Res. 653, designating October 30, 2010, as a national day of remembrance for nuclear weapons program workers.  

Gold Star Wives Day: Senate agreed to S. Res. 654, designating December 18, 2010, as “Gold Star Wives Day”.  

Stomach Cancer Awareness Month: Senate agreed to S. Res. 655, designating November 2010 as “Stomach Cancer Awareness Month” and supporting efforts to educate the public about stomach cancer.  

USA Science & Engineering Festival: Senate agreed to S. Res. 656, expressing support for the inaugural USA Science & Engineering Festival.  

Hoover Dam 75th Anniversary: Senate agreed to S. Res. 657, celebrating the 75th anniversary of the dedication of the Hoover Dam.  

National Character Counts Week: Senate agreed to S. Res. 658, designating the week beginning October 17, 2010, as “National Character Counts Week”.  

Lights on Afterschool: Senate agreed to S. Res. 659, supporting “Lights on Afterschool”, a national celebration of afterschool programs.  

Public Diplomacy Program: Senate agreed to S. Res. 660, expressing support for a public diplomacy program promoting advancements in science, technology, engineering, and mathematics made by or in partnership with the people of the United States.  

Authorize Representation: Senate agreed to S. Res. 661, to authorize representation by the Senate Legal Counsel in the case of McCarthy v. Byrd, et al.  

Measures Considered:  

Creating American Jobs and Ending Offshoring Act: Senate continued consideration of the motion to proceed to consideration of S. 3816, to amend the Internal Revenue Code of 1986 to create American jobs and to prevent the offshoring of such jobs overseas.  

During consideration of this measure today, Senate also took the following action:  

By 53 yeas to 45 nays (Vote No. 242), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the motion to proceed to consideration of the bill.  

Department of State, Foreign Operations, and Related Programs Appropriations Act—Agreement: Senate resumed consideration of the motion to proceed to consideration of H.R. 3081, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010.  

During consideration of this measure today, Senate also took the following action:  

By 84 yeas to 14 nays (Vote No. 243), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the motion to proceed to consideration of the bill.
A unanimous-consent agreement was reached providing that upon disposition of S.J. Res. 39, Senate continue consideration of the motion to proceed to consideration of the bill; provided further, that any time during the consideration of S.J. Res. 39, morning business, recess or adjournment count post-closure.

Centers for Medicaid & Medicare Services Joint Resolution—Agreement: A unanimous-consent-time agreement was reached providing that at 10 a.m., on Wednesday, September 29, 2010, the Republican Leader, or his designee, be recognized to move to proceed to consideration of S.J. Res. 39, providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule relating to status as a grandfathered health plan under the Patient Protection and Affordable Care Act; that there be 2 hours of debate on the motion to proceed, with the time equally divided and controlled between the two Leaders, or their designees; and that upon the use or yielding back of time, Senate vote on adoption of the motion to proceed to consideration of the joint resolution; that if the motion to proceed is adopted, there be 1 hour of debate with respect to the joint resolution, with the time equally divided between the two Leaders, or their designees; that upon the use or yielding back of time, the joint resolution be read a third time, and Senate vote on passage of the joint resolution; provided further, that if the motion to proceed to the joint resolution is defeated, then no further motion to proceed to the joint resolution be in order for the remainder of this Congress; provided further, that no amendments or any other motions be in order to the joint resolution, and that all other provisions of the statute governing consideration of the joint resolution remain in effect.

Messages from the House: Pages S7613–14
Enrolled Bills Presented: Page S7614
Executive Communications: Pages S7614–15
Executive Reports of Committees: Pages S7615–18
Additional Cosponsors: Pages S7619–20
Statements on Introduced Bills/Resolutions: Pages S7620–38
Additional Statements: Pages S7608–13
Amendments Submitted: Pages S7638–49
Authorities for Committees to Meet: Pages S7650–53

Record Votes: Two record votes were taken today. (Total—243) Page S7585
Adjournment: Senate convened at 10 a.m. and adjourned at 8:14 p.m., until 9:30 a.m. on Wednesday, September 29, 2010. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S7669.)

Committee Meetings

DEPARTMENT OF DEFENSE EFFICIENCIES INITIATIVES

Committee on Armed Services: Committee concluded a hearing to examine the Department of Defense efficiencies initiatives, after receiving testimony from William J. Lynn III, Deputy Secretary, Ashton B. Carter, Under Secretary for Acquisition, Technology and Logistics, and General James E. Cartwright, USMC, Vice Chairman, Joint Chiefs of Staff, all of the Department of Defense.

BUSINESS MEETING

Committee on Armed Services: Committee ordered favorably reported 3,273 nominations in the Army, Navy, Air Force, and Marine Corps.

ECONOMY AND FISCAL POLICY OUTLOOK

Committee on the Budget: Committee concluded a hearing to examine the outlook for the economy and fiscal policy, after receiving testimony from Douglas W. Elmendorf, Director, Congressional Budget Office.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION


PIPELINE SAFETY

Committee on Commerce, Science, and Transportation: Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security concluded
a hearing to examine pipeline safety, focusing on assessing the San Bruno, California explosion and other recent accidents, after receiving testimony from Senator Feinstein; Cynthia L. Quarterman, Administrator, Pipeline and Hazardous Materials Safety Administration, Department of Transportation; Christopher A. Hart, Vice Chairman, National Transportation Safety Board; Mayor Jim Ruane, San Bruno, California; Paul Clanon, California Public Utilities Commission, and Chris Johns, Pacific Gas and Electric Company, both of San Francisco, California; and Rick Kessler, Pipeline Safety Trust, Bellingham, Washington.

INNOVATIVE PROJECT FINANCE

Committee on Environment and Public Works: Committee concluded a hearing to examine innovative project finance, after receiving testimony from Roy Kienitz, Under Secretary of Transportation for Policy; Stephanie Kopelousos, Florida Secretary of Transportation, Tallahassee; Mayor Antonio R. Villaraigosa, Los Angeles, California; and David Seltzer, Mercator Advisors LLC, Philadelphia, Pennsylvania.

LONG-TERM DISABILITY POLICIES

Committee on Finance: Committee concluded a hearing to examine if private long-term disability policies provide protection as promised, after receiving testimony from William M. Acker, Jr., Senior United States District Court Judge, Northern District of Alabama; David Rust, Deputy Commissioner for Retirement and Disability Policy, Social Security Administration; Ronald Leebove, American Board of Forensic Counselors, Scottsdale, Arizona; Mark D. DeBofsky, John Marshall Law School, Chicago, Illinois; and Paul Graham, American Council of Life Insurers, Washington, D.C.

INDIAN HEALTH SERVICE IN ABERDEEN AREA

Committee on Indian Affairs: Committee concluded an oversight hearing to examine reform in the Indian Health Service’s Aberdeen area, after receiving testimony from Yvette Roubideaux, Director, Indian Health Service, Charlene Red Thunder, Area Director, Aberdeen Area Indian Health Service, and Gerald Roy, Deputy Inspector General, Investigations, Office of the Inspector General, all of the Department of Health and Human Services; and Ron His Horse Is Thunder, Great Plains Tribal Chairmen’s Health Board (GPTCHB), Rapid City, South Dakota.

COMBATING FRAUD AND CORRUPTION

Committee on the Judiciary: Committee concluded a hearing to examine restoring key tools to combat fraud and corruption after the Supreme Court’s Skilling decision, after receiving testimony from Lanny A. Breuer, Assistant Attorney General, Criminal Division, Department of Justice; Samuel W. Buell, Duke University School of Law, Durham, North Carolina; Michael L. Seigel, University of Florida Fredric G. Levin College of Law, Gainesville; and George J. Terwilliger III, White and Case, Washington, D.C.

BUSINESS MEETING

Select Committee on Intelligence: Committee ordered favorably reported the nomination of David B. Buckley, of Virginia, to be Inspector General, Central Intelligence Agency.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 21 public bills, H.R. 6218–6238; and 15 resolutions, H. Con. Res. 320; and H. Res. 1660–1673 were introduced.

Additional Cosponsors:

Reports Filed: Reports were filed today as follows:

H.R. 3685, to require the Secretary of Veterans Affairs to include on the main page of the Internet website of the Department of Veterans Affairs a hyperlink to the VetSuccess Internet website and to publicize such Internet website (H. Rept. 111–624);

H.R. 3787, to amend title 38, United States Code, to deem certain service in the reserve components as active service for purposes of laws administered by the Secretary of Veterans Affairs, with an amendment (H. Rept. 111–625);

H.R. 5360, to amend title 38, United States Code, to modify the standard of visual acuity required for eligibility for specially adapted housing assistance provided by the Secretary of Veterans Affairs, with an amendment (H. Rept. 111–626);

H.R. 5630, to amend title 38, United States Code, to provide for qualifications for vocational rehabilitation counselors and vocational rehabilitation...
employment coordinators employed by the Department of Veterans Affairs (H. Rept. 111–627);

H.R. 5993, to amend title 38, United States Code, to ensure that beneficiaries of Servicemembers’ Group Life Insurance receive financial counseling and disclosure information regarding life insurance payments, and for other purposes, with an amendment (H. Rept. 111–628);

H.R. 3421, to exclude from consumer credit reports medical debt that has been in collection and has been fully paid or settled, and for other purposes, with an amendment (H. Rept. 111–629);

H.R. 6132, to amend title 38, United States Code, to establish a transition program for new veterans, to improve the disability claim system, and for other purposes, with an amendment (H. Rept. 111–630);

H.R. 2408, to expand the research and awareness activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases and the Centers for Disease Control and Prevention with respect to scleroderma, and for other purposes, with an amendment (H. Rept. 111–631);

H.R. 1347, to amend title III of the Public Health Service Act to provide for the establishment and implementation of concussion management guidelines with respect to school-aged children, and for other purposes, with amendments (H. Rept. 111–632);

H.R. 5354, to establish an Advisory Committee on Gestational Diabetes, to provide grants to better understand and reduce gestational diabetes, and for other purposes, with amendments (H. Rept. 111–633);

H.R. 2999, to amend the Public Health Service Act to enhance and increase the number of veterinarians trained in veterinary public health, with an amendment (H. Rept. 111–634);

H.R. 2941, to reauthorize and enhance Johanna’s Law to increase public awareness and knowledge with respect to gynecologic cancers, with an amendment (H. Rept. 111–635);

H.R. 1362, to amend the Public Health Service Act to provide for the establishment of permanent national surveillance systems for multiple sclerosis, Parkinson’s disease, and other neurological diseases and disorders, with an amendment (H. Rept. 111–636);

H.R. 1230, to amend the Public Health Service Act to provide for the establishment of a National Acquired Bone Marrow Failure Disease Registry, to authorize research on acquired bone marrow failure diseases, and for other purposes, with amendments (H. Rept. 111–637);

H.R. 1210, to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes, with an amendment (H. Rept. 111–638);

H.R. 1032, to amend the Federal Food, Drug, and Cosmetics Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women, with amendments (H. Rept. 111–639);

H.R. 758, to amend title IV of the Public Health Service Act to provide for the establishment of pediatric research consortia, with an amendment (H. Rept. 111–640);

H.R. 2818, to amend the Public Health Service Act to provide for the establishment of a drug-free workplace information clearinghouse, to support residential methamphetamine treatment programs for pregnant and parenting women, to improve the prevention and treatment of methamphetamine addiction, and for other purposes, with an amendment (H. Rept. 111–641);

H.R. 5462, to authorize the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, to establish and implement a birth defects prevention, risk reduction, and public awareness program, with amendments (H. Rept. 111–642);

H.R. 6081, to amend the Stem Cell Therapeutic and Research Act of 2005, with an amendment (H. Rept. 111–643);

H.R. 6160, to develop a rare earth materials program, to amend the National Materials and Minerals Policy, Research and Development Act of 1980, and for other purposes, with an amendment (H. Rept. 111–644);

H.R. 305, to amend title 49, United States Code, to prohibit the transportation of horses in interstate transportation in a motor vehicle containing 2 or more levels stacked on top of one another (H. Rept. 111–645);

H.R. 2378, to amend title VII of the Tariff Act of 1930 to clarify that fundamental exchange-rate misalignment by any foreign nation is actionable under United States countervailing and antidumping duty laws, and for other purposes, with an amendment (H. Rept. 111–646); and

H.R. 903, to amend the Public Health Service Act to enhance the roles of dentists and allied dental personnel in the Nation’s disaster response framework, and for other purposes, with an amendment (H. Rept. 111–647).
Chaplain: The prayer was offered by the guest chaplain, Reverend Roy Bennett, Calvary Assembly of God Church, Jefferson City, Missouri. Pages H7000–01

Suspensions: The House agreed to suspend the rules and pass the following measures:

Recognizing the service of the medical and air crews in helping our wounded warriors make the expeditious and safe trip home to the United States: H. Res. 1605, amended, to recognize the service of the medical and air crews in helping our wounded warriors make the expeditious and safe trip home to the United States and to commend the personnel of the Air Force for their commitment to the well-being of all our service men and women; Pages H7002–03

Recognizing the anniversary of the tragic shootings that occurred at Fort Hood: H. Con. Res. 319, to recognize the anniversary of the tragic shootings that occurred at Fort Hood, Texas, on November 5, 2009; Pages H7003–05

Expressing support for National POW/MIA Recognition Day: H. Res. 1630, amended, to express support for National POW/MIA Recognition Day; Pages H7005–06

Condemning the theft from the Mojave National Preserve of the national Mojave Cross memorial honoring American soldiers who died in World War I: H. Res. 1378, to condemn the theft from the Mojave National Preserve of the national Mojave Cross memorial honoring American soldiers who died in World War I; Pages H7007

Celebrating the 75th anniversary of the Hoover Dam: H. Res. 1636, to celebrate the 75th anniversary of the Hoover Dam; Pages H7007–08

Authorizing the Secretary of the Interior to lease certain lands in Virgin Islands National Park: Concluded in the Senate amendments to H.R. 714, to authorize the Secretary of the Interior to lease certain lands in Virgin Islands National Park; Page H7008

Blinded Veterans Adaptive Housing Improvement Act of 2010: H.R. 5360, amended, to amend title 38, United States Code, to modify the standard of visual acuity required for eligibility for specially adapted housing assistance provided by the Secretary of Veterans Affairs; Pages H7008–13

Agreed to amend the title so as to read: “To amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs, and for other purposes.”. Page H7013

Veterans Benefits and Economic Welfare Improvement Act of 2010: H.R. 6132, amended, to amend title 38, United States Code, to establish a transition program for new veterans and to improve the disability claim system; Pages H7013–17

Amending title 38, United States Code, to deem certain service in the reserve components as active service for purposes of laws administered by the Secretary of Veterans Affairs: H.R. 3787, amended, to amend title 38, United States Code, to deem certain service in the reserve components as active service for purposes of laws administered by the Secretary of Veterans Affairs;

Agreed to amend the title so as to read: “To amend title 38, United States Code, to recognize the service in the reserve components of certain persons by honoring them with status as veterans under law.”. Page H7019

Amending title 38, United States Code, to provide for qualifications for vocational rehabilitation counselors and vocational rehabilitation employment coordinators employed by the Department of Veterans Affairs: H.R. 5630, to amend title 38, United States Code, to provide for qualifications for vocational rehabilitation counselors and vocational rehabilitation employment coordinators employed by the Department of Veterans Affairs; Pages H7019–20

Security Cooperation Act of 2010: S. 3847, to implement certain defense trade cooperation treaties; Pages H7040–43

Calling for the protection of religious sites and artifacts from and in Turkish-occupied areas of northern Cyprus as well as for general respect for religious freedom: H. Res. 1631, to call for the protection of religious sites and artifacts from and in Turkish-occupied areas of northern Cyprus as well as for general respect for religious freedom; Pages H7048–52

Expressing the sense of the House of Representatives on the importance of the full implementation of the Comprehensive Peace Agreement to help ensure peace and stability in Sudan: H. Res. 1588, amended, to express the sense of the House of Representatives on the importance of the full implementation of the Comprehensive Peace Agreement to help ensure peace and stability in Sudan during and after mandated referenda; Pages H7052–55

Honoring the lives of the brave and selfless humanitarian aid workers, doctors, and nurses who died in the tragic attack of August 5, 2010, in northern Afghanistan: H. Res. 1661, to honor the lives of the brave and selfless humanitarian aid workers, doctors, and nurses who died in the tragic attack of August 5, 2010, in northern Afghanistan; Pages H7055–57
Expressing support for the 33 trapped Chilean miners following the Copiapó mining disaster: H. Res. 1662, to express support for the 33 trapped Chilean miners following the Copiapó mining disaster and the Government of Chile as it works to rescue the miners and reunite them with their families; Pages H7057–58

Expressing support for the goals and ideals of the inaugural USA Science & Engineering Festival in Washington, D.C.: H. Res. 1660, to express support for the goals and ideals of the inaugural USA Science & Engineering Festival in Washington, D.C.; Pages H7058–59

Recognizing the 40th anniversary of the Apollo 13 mission: H. Res. 1421, to recognize the 40th anniversary of the Apollo 13 mission and the heroic actions of both the crew and those working at mission control in Houston, Texas, for bringing the three astronauts, Fred Haise, Jim Lovell, and Jack Swigert, home to Earth safely; Pages H7059–60

WIPA and PABSS Extension Act of 2010: H.R. 6200, to amend part A of title XI of the Social Security Act to provide for a 1-year extension of the authorizations for the Work Incentives Planning and Assistance program and the Protection and Advocacy for Beneficiaries of Social Security program; Pages H7063–64

Regulated Investment Company Modernization Act: H.R. 4337, amended, to amend the Internal Revenue Code of 1986 to modify certain rules applicable to regulated investment companies; Pages H7064–70

Algae-based Renewable Fuel Promotion Act: H.R. 4168, amended, to amend the Internal Revenue Code of 1986 to expand the definition of cellulosic biofuel to include algae-based biofuel for purposes of the cellulosic biofuel producer credit and the special allowance for cellulosic biofuel plant property; Pages H7070–73

Redundancy Elimination and Enhanced Performance for Preparedness Grants Act: Concurred in the Senate amendment to H.R. 3980, to provide for identifying and eliminating redundant reporting requirements and developing meaningful performance metrics for homeland security preparedness grants; Pages H7073–75

Reducing Over-Classification Act: Concurred in the Senate amendment to H.R. 553, to require the Secretary of Homeland Security to develop a strategy to prevent the over-classification of homeland security and other information and to promote the sharing of unclassified homeland security and other information; Pages H7075–77

Christopher Bryski Student Loan Protection Act: H.R. 5458, amended, to amend the Truth in Lending Act and the Higher Education Act of 1965 to require additional disclosures and protections for students and cosigners with respect to student loans; Pages H7077–79

Amending the Small Business Jobs Act of 2010 to include certain construction and land development loans in the definition of small business lending: H.R. 6191, to amend the Small Business Jobs Act of 2010 to include certain construction and land development loans in the definition of small business lending; Pages H7081–82

Wounded Warrior and Military Survivor Housing Assistance Act of 2010: H.R. 6058, to ensure that the housing assistance programs of the Department of Housing and Urban Development and the Department of Veterans Affairs are available to veterans and members of the Armed Forces who have service-connected injuries and to survivors and dependents of veterans and members of the Armed Forces; Pages H7082–83

Supporting the goals and ideals of Sickle Cell Disease Awareness Month: H. Res. 1665, to support the goals and ideals of Sickle Cell Disease Awareness Month; Pages H7083–84

Supporting the goals and ideals of National Domestic Violence Awareness Month 2010: H. Res. 1637, amended, to support the goals and ideals of National Domestic Violence Awareness Month 2010 and to express the sense of the House of Representatives that Congress should continue to raise awareness of domestic violence in the United States and its devastating effects on families and communities, and support programs and practices designed to prevent and end domestic violence; Pages H7084–87

Expressing support for designation of the week beginning on November 8, 2010, as National School Psychology Week: H. Res. 1645, to express support for designation of the week beginning on November 8, 2010, as National School Psychology Week; Pages H7087–88

Providing for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958: S. 3839, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958; Page H7090

Recognizing the contributions of the National Waterways Conference on the occasion of its 50th anniversary: H. Res. 1639, to recognize the contributions of the National Waterways Conference on the occasion of its 50th anniversary; Pages H7090–92
Biden H. Arnow Federal Building Designation Act: H.R. 4387, to designate the Federal building located at 100 North Palafox Street in Pensacola, Florida, as the "Biden H. Arnow Federal Building"; Pages H7092–93

Ray Daves Air Traffic Control Tower Designation Act: H.R. 5591, amended, to designate the facility of the Federal Aviation Administration located at Spokane International Airport in Spokane, Washington, as the "Ray Daves Air Traffic Control Tower";
Agreed to amend the title so as to read: "To designate the airport traffic control tower located at Spokane International Airport in Spokane, Washington, as the ‘Ray Daves Airport Traffic Control Tower’." Pages H7093–94

Corporate Liability and Emergency Accident Notification Act: H.R. 6008, amended, to amend title 49, United States Code, to ensure telephonic notice of certain incidents;
Agreed to amend the title so as to read: "To ensure telephonic notice of certain incidents involving hazardous liquid and gas pipeline facilities, and for other purposes." Pages H7094

National Transportation Safety Board Reauthorization Act of 2010: H.R. 4714, amended, to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2011 through 2014;
Pages H7096–H7101

State Ethics Law Protection Act: H.R. 3427, amended, to amend title 23, United States Code, to protect States that have in effect laws or orders with respect to pay to play reform;
Providing for the concurrence by the House in the Senate amendment to H.R. 3619, with amendments: H. Res. 1665, to provide for the concurrence by the House in the Senate amendment to H.R. 3619, with amendments;
Pages H7101–02

Residential and Commuter Toll Fairness Act: H.R. 3960, amended, to provide authority and sanction for the granting and issuance of programs for residential and commuter toll, user fee and fare discounts by States, municipalities, other localities, as well as all related agencies and departments thereof;
Agreed to amend the title so as to read: "To clarify the existing authority of, and as necessary provide express authorization for, public authorities to offer discounts in transportation tolls to captive tollpayers, and for other purposes.”.
Pages H7142–43

Audit the BP Fund Act of 2010: H.R. 6016, amended, to provide for a GAO investigation and audit of the operations of the fund created by BP to compensate persons affected by the Gulf oil spill;
Pages H7143–44

Recognizing the commitment and efforts made by the Library of Congress through sponsorship of the National Book Festival: H. Res. 1646, to recognize the commitment and efforts made by the Library of Congress to promote the joy of reading through the sponsorship of the National Book Festival;
Pages H7144–45

Smithsonian Conservation Biology Institute Enhancement Act: H.R. 5717, amended, to authorize the Board of Regents of the Smithsonian Institution to plan, design, and construct a facility and to enter into agreements relating to education programs at the National Zoological Park facility in Front Royal, Virginia;
(See next issue.)

(See next issue.)

Federal Courts Jurisdiction and Venue Clarification Act: H.R. 4113, amended, to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts;
(See next issue.)

Organized Retail Theft Investigation and Prosecution Act of 2010: H.R. 5932, amended, to establish the Organized Retail Theft Investigation and Prosecution Unit in the Department of Justice;
(See next issue.)

Equal Access to 21st Century Communications Act: S. 3304, to increase the access of persons with disabilities to modern communications;
(See next issue.)

Making technical corrections in the Twenty-First Century Communications and Video Accessibility Act of 2010: S. 3828, to make technical corrections in the Twenty-First Century Communications and Video Accessibility Act of 2010 and the amendments made by that Act;
(See next issue.)

Expressing support for designation of September 2010 as "National Prostate Cancer Awareness Month": H. Res. 1485, to express support for designation of September 2010 as "National Prostate Cancer Awareness Month";
(See next issue.)

Directing the Secretary of Health and Human Services to review uptake and utilization of diabetes screening benefits and establish an outreach program with respect to such benefits: H.R. 6012, amended, to direct the Secretary of Health and Human Services to review uptake and utilization of...
diabetes screening benefits and establish an outreach program with respect to such benefits;

(See next issue.)

Agreed to amend the title so as to read: “To direct the Secretary of Health and Human Services to review utilization of diabetes screening benefits and make recommendations on outreach programs with respect to such benefits, and for other purposes.”

(See next issue.)

National MS and Parkinson’s Disease Registries Act: H.R. 1362, amended, to amend the Public Health Service Act to provide for the establishment of permanent national surveillance systems for multiple sclerosis, Parkinson’s disease, and other neurological diseases and disorders;

(See next issue.)

Commending EyeCare America for its work over the last 25 years: H. Res. 1226, amended, to commend EyeCare America for its work over the last 25 years;

(See next issue.)

Neglected Infections of Impoverished Americans Act of 2010: H.R. 5986, to require the submission of a report to the Congress on parasitic disease among poor Americans;

(See next issue.)

Eliminating Disparities in Diabetes Prevention Access and Care Act: H.R. 1995, amended, to amend the Public Health Service Act to prevent and treat diabetes, to promote and improve the care of individuals with diabetes, and to reduce health disparities, relating to diabetes, within racial and ethnic minority groups, including the African-American, Hispanic American, Asian American, Native Hawaiian and Other Pacific Islander, and American Indian and Alaskan Native communities; and

(See next issue.)

Agreed to amend the title so as to read: “To direct the Secretary of Health and Human Services to prepare a report on the research and other public health activities of the Department of Health and Human Services with respect to diabetes among minority populations.”

(See next issue.)

Dental Emergency Responder Act: H.R. 903, amended, to amend the Public Health Service Act to enhance the roles of dentists and allied dental personnel in the Nation’s disaster response framework.

(See next issue.)

Suspensions—Proceedings Postponed: The House debated the following measures under suspension of the rules. Further proceedings were postponed:

Requiring the Secretary of Veterans Affairs to include on the main page of the Internet website of the Department of Veterans Affairs a hyperlink to the VetSuccess Internet website: H.R. 3685, to require the Secretary of Veterans Affairs to include on the main page of the Internet website of the Department of Veterans Affairs a hyperlink to the VetSuccess Internet website and to publicize such Internet website;

Securing America’s Veterans Insurance Needs and Goals Act of 2010: H.R. 5993, amended, to amend title 38, United States Code, to ensure that beneficiaries of Servicemembers’ Group Life Insurance receive financial counseling and disclosure information regarding life insurance payments;

All-American Flag Act: H.R. 2853, amended, to require the purchase of domestically made flags of the United States of America for use by the Federal Government;

Emil Bolas Post Office Designation Act: H.R. 4602, to designate the facility of the United States Postal Service located at 1332 Sharon Copley Road in Sharon Center, Ohio, as the “Emil Bolas Post Office”;

James M. “Jimmy” Stewart Post Office Building Designation Act: H.R. 5606, to designate the facility of the United States Postal Service located at 47 South 7th Street in Indiana, Pennsylvania, as the “James M. ’Jimmy’ Stewart Post Office Building”;

George C. Marshall Post Office Designation Act: H.R. 5605, to designate the facility of the United States Postal Service located at 47 East Fayette Street in Uniontown, Pennsylvania, as the “George C. Marshall Post Office”;

M.R. “Bucky” Walters Post Office: H.R. 6014, to designate the facility of the United States Postal Service located at 212 Main Street in Hartman, Arkansas, as the “M.R. ’Bucky’ Walters Post Office”;

Supporting the goals and ideals of United States Military History Month: H. Res. 1442, to support the goals and ideals of United States Military History Month;

Congratulating the Washington Stealth for winning the National Lacrosse League Championship: H. Res. 1546, amended, to congratulate the Washington Stealth for winning the National Lacrosse League Championship;

Supporting the United States Paralympics: H. Res. 1479, to support the United States Paralympics and to honor the Paralympic athletes;

Dorothy I. Height Post Office Building Designation Act: H.R. 6118, amended, to designate the facility of the United States Postal Service located at 2 Massachusetts Avenue, N.E., in Washington, D.C., as the “Dorothy I. Height Post Office Building”;

Page H7036
Supporting the goals and purpose of Gold Star Mothers Day: H. Res. 1617, to support the goals and purpose of Gold Star Mothers Day, which is observed on the last Sunday in September of each year in remembrance of the supreme sacrifice made by mothers who lose a son or daughter serving in the Armed Forces;

Expressing support for designation of September 2010 as National Craniofacial Acceptance Month: H. Res. 1603, to express support for designation of September 2010 as National Craniofacial Acceptance Month;

Amending section 5542 of title 5, United States Code, to provide that any hours worked by Federal firefighters under a qualified trade-of-time arrangement shall be excluded for purposes of determinations relating to overtime pay: H. R. 3243, to amend section 5542 of title 5, United States Code, to provide that any hours worked by Federal firefighters under a qualified trade-of-time arrangement shall be excluded for purposes of determinations relating to overtime pay;

Pre-Election Presidential Transition Act of 2010: S. 3196, to amend the Presidential Transition Act of 1963 to provide that certain transition services shall be available to eligible candidates before the general election;

Calling on the Government of Japan to immediately address the growing problem of abduction to and retention of United States citizen minor children in Japan: H. Res. 1326, to call on the Government of Japan to immediately address the growing problem of abduction to and retention of United States citizen minor children in Japan, to work closely with the Government of the United States to return these children to their custodial parent or to the original jurisdiction for a custody determination in the United States, to provide left-behind parents immediate access to their children, and to adopt without delay the 1980 Hague Convention on the Civil Aspects of International Child Abduction;

Rare Earths and Critical Materials Revitalization Act of 2010: H. R. 6160, amended, to develop a rare earth materials program and to amend the National Materials and Minerals Policy, Research and Development Act of 1980;

Medical Debt Relief Act: H. R. 3421, amended, to exclude from consumer credit reports medical debt that has been in collection and has been fully paid or settled;

AMERICA Works Act: H. R. 4072, amended, to require that certain Federal job training and career education programs give priority to programs that provide a national industry-recognized and portable credential;

Federal Election Integrity Act: H. R. 512, amended, to amend the Federal Election Campaign Act of 1971 to prohibit certain State election administration officials from actively participating in electoral campaigns;

Pediatric Research Consortia Establishment Act: H. R. 758, amended, to amend title IV of the Public Health Service Act to provide for the establishment of pediatric research consortia;

Veterinary Public Health Workforce and Education Act: H. R. 2999, amended, to amend the Public Health Service Act to enhance and increase the number of veterinarians trained in veterinary public health;

Gestational Diabetes Act: H. R. 5554, amended, to establish an Advisory Committee on Gestational Diabetes and to provide grants to better understand and reduce gestational diabetes;

Methamphetamine Education, Treatment, and Hope Act: H. R. 2818, amended, to amend the Public Health Service Act to provide for the establishment of a drug-free workplace information clearinghouse, to support residential methamphetamine treatment programs for pregnant and parenting women, and to improve the prevention and treatment of methamphetamine addiction;

Concussion Treatment and Care Tools Act: H. R. 1347, amended, to amend title III of the Public Health Service Act to provide for the establishment and implementation of concussion management guidelines with respect to school-aged children;

Stem Cell Therapeutic and Research Reauthorization Act of 2010: S. 3751, to amend the Stem Cell Therapeutic and Research Act of 2005;

HEART for Women Act: H. R. 1032, amended, to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women;

Scleroderma Research and Awareness Act: H. R. 2408, amended, to expand the research and awareness activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases and the Centers for Disease Control and Prevention with respect to scleroderma;

Bone Marrow Failure Disease Research and Treatment Act: H. R. 1230, amended, to amend the
Public Health Service Act to provide for the establishment of a National Acquired Bone Marrow Failure Disease Registry, to authorize research on acquired bone marrow failure diseases;  

Reauthorizing and enhancing Johanna’s Law: H.R. 2941, amended, to reauthorize and enhance Johanna’s Law to increase public awareness and knowledge with respect to gynecologic cancers;  

Birth Defects Prevention, Risk Reduction, and Awareness Act of 2010: H.R. 5462, amended, to authorize the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, to establish and implement a birth defects prevention, risk reduction, and public awareness program; and  

Arthritis Prevention, Control, and Cure Act: H.R. 1210, amended, to amend the Public Health Service Act to provide for arthritis research and public health.  

Senate Messages: Messages received from the Senate today and messages received from the Senate by the Clerk and subsequently presented to the House today appear on pages H7000–01, H7032.  

Senate Referrals: S. 3839 was referred to the Committee on Small Business; S. 1338 was referred to the Committee on the Judiciary; S. 3802 was referred to the Committee on Natural Resources; S. 3245 was referred to the Committee on Homeland Security; and S. 3196, S. 3751, S. 3789, and S. 3847 were held at the desk.  

Quorum Calls—Votes: There were no Yea and Nay votes, and there were no Recorded votes. There were no quorum calls.  

Adjournment: The House met at 10:30 a.m. and adjourned at 11:52 p.m.  

Committee Meetings  

TERRORISM FINANCING TRENDS  

Committee on Financial Services: Subcommittee on Oversight and Investigations held a hearing entitled “A Review of Current and Evolving Trends in Terrorism Financing.” Testimony was heard from public witnesses.  

REINING IN OVERCRIMINALIZATION  

Committee on the Judiciary: Subcommittee on Crime, Terrorism and Homeland Security held a hearing on Reining in Overcriminalization: Assessing the Problems, Proposing Solutions. Testimony was heard from public witnesses.  

Joint Meetings  

GENDER PAY GAP  

Joint Economic Committee: Committee concluded a hearing to examine new evidence on the gender pay gap for women and mothers in management, after receiving testimony from Andrew Sherrill, Director, Education, Workforce, and Income, Security Issues, Government Accountability Office; Ilene H. Lang, Catalyst, Inc., New York, New York; Michelle Budig, University of Massachusetts Social and Demographic Research Institute, Amherst; and Diana Furchtgott-Roth, Hudson Institute, Washington, D.C.  

NEW PUBLIC LAWS  

(For last listing of Public Laws, see DAILY DIGEST, p. D937)  

H.R. 6102, to amend the National Defense Authorization Act for Fiscal Year 2010 to extend the authority of the Secretary of the Navy to enter into multiyear contracts for F/A–18E, F/A–18F, and EA–18G aircraft. Signed on September 27, 2010. (Public Law 111–238)  

S. 3656, to amend the Agricultural Marketing Act of 1946 to improve the reporting on sales of livestock and dairy products. Signed on September 27, 2010. (Public Law 111–239)  

COMMITTEE MEETINGS FOR WEDNESDAY, SEPTEMBER 29, 2010  

(Committee meetings are open unless otherwise indicated)  

Senate  

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, to hold hearings to examine defending against public health threats, 2:30 p.m., SD–124.  

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Security and International Trade and Finance, to hold hearings to examine a comparison of international housing finance systems, 2:30 p.m., SD–538.  

Committee on Energy and Natural Resources: Subcommittee on Energy, to hold an oversight hearing to examine the Propane Education and Research Council (PERC) and National Oilheat Research Alliance (NORA), 10 a.m., SD–366.  

Subcommittee on Public Lands and Forests, with the Subcommittee on National Parks, to hold joint hearings to examine S. 3261, to establish the Buffalo Bayou National Heritage Area in the State of Texas, S. 3283, to designate Mt. Andrea Lawrence, S. 3291, to establish Coltsville National Historical Park in the State of Connecticut, S. 3524 and H.R. 4438, to authorize the Secretary of the Interior to expand the boundary of the Park,
to conduct a study of potential land acquisitions, S. 3565, to provide for the conveyance of certain Bureau of Land Management land in Mohave County, Arizona, to the Arizona Game and Fish Commission, for use as a public shooting range, S. 3612, to amend the Marsh-Billings-Rockefeller National Historical Park Establishment Act to expand the boundary of the Marsh-Billings-Rockefeller National Historical Park in the State of Vermont, S. 3616, to withdraw certain land in the State of New Mexico, S. 3744, to establish Pinnacles National Park in the State of California as a unit of the National Park System, S. 3778 and H.R. 4773, to authorize the Secretary of the Interior to lease certain lands within Fort Pulaski National Monument, S. 3820, to authorize the Secretary of the Interior to issue permits for a microhydro project in nonwilderness areas within the boundaries of Denali National Park and Preserve, to acquire land for Denali National Park and Preserve from Doyon Tourism, Inc, S. 3822, to adjust the boundary of the Carson National Forest, New Mexico, and H.R. 1858, to provide for a boundary adjustment and land conveyances involving Roosevelt National Forest, Colorado, to correct the effects of an erroneous land survey that resulted in approximately 7 acres of the Crystal Lakes Subdivision, Ninth Filing, encroaching on National Forest System land, 2:30 p.m., SD–366.

Committee on Foreign Relations: To hold hearings to examine the al-Megrahi release, focusing on one year later, 10 a.m., SD–419.

Full Committee, business meeting to consider S. 2982, to combat international violence against women and girls, S. 3688, to establish an international professional exchange program, S. 1653, to require the Secretary of Homeland Security, in consultation with the Secretary of State, to establish a program to issue Asia-Pacific Economic Cooperation Business Travel Cards, S.J. Res. 37, calling upon the President to issue a proclamation recognizing the 35th anniversary of the Helsinki Final Act, Treaty between the Government of the United States of America and the Government of the Republic of Rwanda Concerning the Encouragement and Reciprocal Protection of Investment, signed at Kigali on February 19, 2008 (Treaty Doc. 110–23), and the nominations of Cameron Munter, of California, to be Ambassador Extraordinary to the Islamic Republic of Pakistan, Mark M. Boulware, of Texas, to be Ambassador to the Republic of Chad, Kristie Anne Kenney, of Virginia, to be Ambassador to the Kingdom of Thailand, Christopher J. McMullen, of Virginia, to be Ambassador to the Republic of Angola, Robert P. Mikulak, of Virginia, for the rank of Ambassador during his tenure of service as United States Representative to the Organization for the Prohibition of Chemical Weapons, Wanda L. Nesbitt, of Pennsylvania, to be Ambassador to the Republic of Namibia, Jo Ellen Powell, of Maryland, to be Ambassador to the Islamic Republic of Mauritania, Karen Brevard Stewart, of Florida, to be Ambassador to the Lao People’s Democratic Republic, and Pamela Ann White, of Maine, to be Ambassador to the Republic of The Gambia, all of the Department of State, and Nancy E. Lindborg, of the District of Columbia, to be an Assistant Administrator, and Donald Kenneth Steinberg, of California, to be Deputy Administrator, both of the United States Agency for International Development, 2:15 p.m., S–116, Capitol.

Committee on Health, Education, Labor, and Pension: Business meeting to consider S. 3817, to amend the Child Abuse Prevention and Treatment Act, the Family Violence Prevention and Services Act, the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, and the Abandoned Infants Assistance Act of 1988 to reauthorize the Acts, and S. 3199, to amend the Public Health Service Act regarding early detection, diagnosis, and treatment of hearing loss, and any pending nominations, 10 a.m., SD–430.

Committee on Homeland Security and Governmental Affairs: Business meeting to consider S. 3806, to protect Federal employees and visitors, improve the security of Federal facilities and authorize and modernize the Federal Protective Service, H.R. 2142, to require quarterly performance assessments of Government programs for purposes of assessing agency performance and improvement, and to establish agency performance improvement officers and the Performance Improvement Council, S. 3794, to amend chapter 5 of title 40, United States Code, to include organizations whose membership comprises substantially veterans as recipient organizations for the donation of Federal surplus personal property through State agencies, H.R. 4543, to designate the facility of the United States Postal Service located at 4285 Payne Avenue in San Jose, California, as the “Anthony J. Cortese Post Office Building”, H.R. 5341, to designate the facility of the United States Postal Service located at 100 Orndorf Drive in Brighton, Michigan, as the “Joyce Rogers Post Office Building”, H.R. 5390, to designate the facility of the United States Postal Service located at 13301 Smith Road in Cleveland, Ohio, as the “David John Donafee Post Office Building”, H.R. 5450, to designate the facility of the United States Postal Service located at 3894 Crenshaw Boulevard in Los Angeles, California, as the “Tom Bradley Post Office Building”, and the nomination of Maria Elizabeth Raffinan, to be an Associate Judge of the Superior Court of the District of Columbia, 10 a.m., SD–342.


Committee on the Judiciary: Subcommittee on Crime and Drugs, to hold hearings to examine crimes against America’s homeless, focusing on if the violence is growing, 10 a.m., SD–226.

Full Committee, to hold hearings to examine the nominations of James E. Graves, Jr., of Mississippi, to be United States Circuit Judge for the Fifth Circuit, Paul Kinloch Holmes III, to be United States District Judge for the Western District of Arkansas, Anthony J. Battaglia, to be United States District Judge for the Southern District of California, Edward J. Davila, to be United States District Judge for the Northern District of California, and Diana Saldana, to be United States District Judge for the Southern District of Texas, 2 p.m., SD–226.
Committee on Rules and Administration: To resume hearings to examine the filibuster, focusing on ideas to reduce delay and encourage debate in the Senate, 10 a.m., SR–301.

House

Committee on Armed Services, hearing on the Department of Defense's efficiency initiative, 10 a.m., 2118 Rayburn.

Subcommittee on Oversight and Investigations, hearing on Fighting Superbugs: DOD’s Response to Multidrug-Resistant Infections in Military Treatment Facilities, 1:30 p.m., 2118 Rayburn.

Subcommittee on Terrorism, Unconventional Threats and Capabilities, hearing on small businesses' role and opportunities in restoring affordability to the Department of Defense, 2 p.m., 2212 Rayburn.


Subcommittee on Housing and Community Opportunity, hearing entitled “The Inclusive Home Design Act,” 4 p.m., 2128 Rayburn.

Subcommittee on Oversight and Investigations and the Subcommittee on International Monetary Policy and Trade, joint hearing entitled “Ex-Im Bank Oversight: The Role of Trade Finance in Doubling Exports over Five Years,” 4 p.m., 2220 Rayburn.

Committee on Foreign Affairs, hearing on PEPFAR: From Emergency to Sustainability and Advances Against HIV/AIDS, 9:30 a.m., 2172 Rayburn.

Subcommittee on Asia, the Pacific, and the Global Environment, hearing on Renewed Engagement: U.S. Policy Toward Pacific Island Nations, 2 p.m., 2172 Rayburn.

Subcommittee on Terrorism, Nonproliferation and Trade, hearing on U.S. Strategy for Countering Jihadist Websites, 1:30 p.m., 2175 Rayburn.


Subcommittee on Intelligence, Information Sharing and Terrorist Risk Assessment, hearing entitled “Is the Office of Intelligence and Analysis Adequately Connected to the Broader Homeland Communities?” 3:30 p.m., 311 Cannon.

Committee on the Judiciary, hearing on H.R. 5034, Comprehensive Alcohol Regulatory Effectiveness (CARE) Act of 2010, 11 a.m., 2141 Rayburn.

Subcommittee on Courts and Competition Policy, hearing on Courtroom Use: Access to Justice, Effective Judicial Administration, and Courtroom Security, 3 p.m., 2141 Rayburn.

Subcommittee on Crime, Terrorism, and Homeland Security, hearing on Reauthorization of the Second Chance Act, 4 p.m., 2237 Rayburn.


Committee on Oversight and Government Reform, Subcommittee on Domestic Policy, hearing entitled, “From Molecules to Minds: The Future of Neuroscience Research and Development,” 2 p.m., 2203 Rayburn.

Committee on Rules, to consider the following measures: H.R. 847, James Zadroga 9/11 Health and Compensation Act of 2010; Senate Amendment to H.R. 2701, Intelligence Authorization Act for Fiscal Year 2010; and H.R. 2578, Currency Reform for Fair Trade Act, 8:30 a.m., H–313 Capitol.

Committee on Science and Technology, hearing on Averting the Storm: How Investments in Science Will Secure the Competitiveness and Economic Future of the U.S., 10:15 a.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, hearing on Recovery Act Transportation and Infrastructure Projects: Impacts on Local Communities and Business, 10 a.m., 2167 Rayburn.

Subcommittee on Coast Guard and Maritime Transportation, hearing Continuing Examination of U.S. flagged Vessels in U.S. Foreign Trade, 2 p.m., 2167 Rayburn.

Committee on Veterans’ Affairs, Subcommittee on Economic Opportunity, hearing on Federal Contractor Compliance, 1 p.m., 334 Cannon.

Subcommittee on Health, hearing on the following bills: H.R. 3843, Transparencry for America’s Heroes Act; H.R. 4041, To authorize certain improvements in the Federal Recovery Coordinator Programs; H.R. 5428, To direct the Secretary of Veterans Affairs to educate certain staff of the Department of Veterans Affairs and to inform veterans about the Injured and Amputee Veterans Bill of Rights; H.R. 5543, To amend title 38, United States Code, to repeal the prohibition on collective bargaining with respect to matters and questions regarding compensation of employees of the Department of Veterans Affairs other than rates of basic pay; H.R. 5516, Access to Appropriate Immunizations for Veterans Act of 2010; H.R. 5641, Heroes at Home Act; H.R. 5996, To direct the Secretary of Veterans Affairs to improve the prevention, diagnosis, and treatment of veterans with chronic obstructive pulmonary disease; H.R. 6123, Veterans’ Traumatic Brain Injury Rehabilitative Services’ Improvements Act of 2010; H.R. 6127, Extension of Health Care Eligibility for Veterans Who Served at Qarmat Ali; and Draft Legislation, 10 a.m., 334 Cannon.

Permanent Select Committee on Intelligence, executive briefing on Supply Chain Threats, 10 a.m., and executive briefing on Threat Assessments Update. 11:30 a.m., 304–HVC.

Joint Meetings

Commission on Security and Cooperation in Europe: To hold hearings to examine charges against Mikhail Khodorkovsky’s Yukos Oil Company, 2 p.m., 1539, Longworth Building.
Program for Wednesday: After the transaction of any morning business (not to extend beyond 10 a.m.), Senate will begin consideration of the motion to proceed to consideration of S.J. Res. 39, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule relating to status as a grandfathered health plan under the Patient Protection and Affordable Care Act, and after a period of debate, vote on the motion to proceed to consideration of S.J. Res. 39, at approximately 12 noon; following which, if the motion to proceed is agreed to, after a period of debate, Senate will vote on passage of the joint resolution. Upon disposition of the joint resolution, Senate will continue consideration of the motion to proceed to consideration of H.R. 3081, the legislative vehicle for the Continuing Resolution.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)